

# News

United States  
Department  
of Labor

GOVT. DOC.



Office of Information

Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 85-467

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: IMMEDIATE--Thursday  
October 31, 1985

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NOV 5 1985  
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JAMES KIGHT NAMED ADMINISTRATOR OF EMPLOYMENT STANDARDS PROGRAMS IN REGION III

Deputy Under Secretary Susan R. Meisinger today announced the appointment of James W. Kight as Administrator of Employment Standards Administration programs in the agency's Region III, with headquarters in Philadelphia.

The region includes Delaware, Pennsylvania, Maryland, Virginia, West Virginia and the District of Columbia.

Kight, a career civil servant, has been with the Employment Standards Administration since 1975, serving in executive positions for five years in the Dallas regional office before his transfer to the national office in 1980.

He has been Director of ESA's Office of Management, Administration and Planning (OMAP) in Washington, D.C. since October 1984, and was Acting Director for a year prior to that.

As OMAP Director, he has been responsible for the management, administrative and planning services in support of all ESA programs nationwide including federal employees compensation, black lung benefits, longshore and harbor workers' compensation, federal contract compliance and affirmative action, workers' rehabilitation, the minimum wage and hour laws, child labor standards, prevailing wage laws, and migrant and seasonal agricultural worker protections.

As ESA Regional Administrator, he will be responsible for administering the day to day operations of these same programs in the States comprising Region III.

Kight has spent his 20-year public service career with the Maryland State Department of Education and with the U.S. Labor Department. He joined ESA in 1975 as regional coordinator for the handicapped workers' program in the Dallas regional office, and became executive assistant to the Dallas regional administrator in 1977, a position he held until 1980 when he came to the national office as program analysis officer. He was awarded the Labor Department's Special Achievement Award in 1978 for "sustained exceptional performance."

He became deputy director of Program Development and Accountability (OPDA) in May 1981; and deputy director of OMAP when that office was established in June 1983 to replace OPDA.

Kight graduated in 1959 from LaSalle High School, Cumberland, Md. He received the B.S. degree in education in 1963 from Frostburg (Md.) State College, and the M.S. degree in counseling in 1970 from Shippensburg State University, Shippensburg, Pa. From 1963 to 1965 he was in the United States Navy, serving on the USS Rowan, the USS Prichett and the USS St. Paul.

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Following naval service he was an elementary school teacher in Washington County, Maryland, in 1965 and 1966. He held increasingly responsible positions from 1966 to 1975 in the field of vocational rehabilitation and counseling with the Maryland Department of Education. He took graduate training at West Virginia University; the College of St. Thomas in St. Paul, Minn.; New York University Post-Graduate Medical School, in prosthetics and orthotics; and Temple University Rehabilitation and Training Center, Philadelphia, in rehabilitation of the severely disabled.

Kight is a native of Keyser, W.Va. He has been residing in Middletown, Md., with his wife, the former Linda Wiebrecht. Their son James Kevin, 20, is a student at Shepherd College in West Virginia.

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# News

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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 85-466

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: IMMEDIATE--Friday  
November 1, 1985

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NOV 12 1985  
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CAROL GAUDIN APPOINTED TO HEAD ESA'S OFFICE OF MANAGEMENT, ADMINISTRATION AND PLANNING

Carol Gaudin, who has held a succession of key posts in the Labor Department's Employment Standards Administration (ESA), has been named director of the agency's Office of Management, Administration and Planning.

Gaudin's appointment was announced by Susan R. Meisinger, deputy under secretary of labor for employment standards.

Gaudin has been serving as director of the Division of Program Analysis and Review in ESA's Office of Federal Contract Compliance Programs (OFCCP).

The appointment becomes effective November 17. She will succeed James W. Kight, who has been named ESA Regional Administrator in Philadelphia.

In her new position, Gaudin will be responsible for the management, administrative and planning services in support of all ESA programs nationwide including federal employees' compensation, black lung benefits, longshore and harbor workers' compensation, federal contract compliance and affirmative action, the minimum wage and hour laws, child labor standards, prevailing wage laws, and migrant and seasonal agricultural worker protections.

Gaudin joined OFCCP's national office staff in May 1984 after serving as Assistant Regional Administrator for OFCCP since December 1982 in ESA's New York regional office. She had served as OFCCP area director in Little Rock, Ark., for three years before moving to New York.

Her government service began in the civil rights office of the U.S. Maritime Administration in New Orleans. She next headed that agency's South Atlantic regional civil rights office in Norfolk, then moved to the enforcement division of OFCCP's national office, as an equal opportunity specialist.

During her tenure in Little Rock she was chosen as Federal Woman of the Year in Arkansas, and received the Urban League's Pacesetter Award.

A native of St. Martinsville, La., Gaudin earned a bachelor's degree in education at Xavier University, graduating cum laude in 1967. She received a master's degree in counselling in 1973, and a second master's in political science in 1978 from the University of New Orleans. She later attended law school at the University of Arkansas.

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1970  
NBS  
Special Publication 300-1

# NEWS

Volume 1, Number 1

January 1970

Editorial

Editorial Board

Editorial Board

The following is a list of the articles published in this issue of the Journal of the National Bureau of Standards. The articles are arranged in alphabetical order of the author's name. The first column gives the title of the article, the second column gives the author's name, and the third column gives the page number of the article.

1. The Role of the National Bureau of Standards in the Development of the Metric System. J. H. Doolittle. 1-10.

2. The Role of the National Bureau of Standards in the Development of the Metric System. J. H. Doolittle. 11-20.

3. The Role of the National Bureau of Standards in the Development of the Metric System. J. H. Doolittle. 21-30.

4. The Role of the National Bureau of Standards in the Development of the Metric System. J. H. Doolittle. 31-40.

5. The Role of the National Bureau of Standards in the Development of the Metric System. J. H. Doolittle. 41-50.

6. The Role of the National Bureau of Standards in the Development of the Metric System. J. H. Doolittle. 51-60.

7. The Role of the National Bureau of Standards in the Development of the Metric System. J. H. Doolittle. 61-70.

8. The Role of the National Bureau of Standards in the Development of the Metric System. J. H. Doolittle. 71-80.

9. The Role of the National Bureau of Standards in the Development of the Metric System. J. H. Doolittle. 81-90.

10. The Role of the National Bureau of Standards in the Development of the Metric System. J. H. Doolittle. 91-100.



# News

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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 85-498

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: IMMEDIATE  
Tuesday, November 19, 1985

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NOV 27 1985  
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## U.S. DEPARTMENT OF LABOR ASKS FOR PUBLIC COMMENTS ON PAY RULES FOR CERTAIN WHITE-COLLAR EMPLOYEES

The U.S. Department of Labor is seeking public comment on current regulations governing coverage of executive, administrative, professional and outside sales employees under the Fair Labor Standards Act (FLSA).

The current regulations establish salary tests, and responsibilities tests for such employees. Workers who meet these tests are exempt from the FLSA minimum wage and overtime provisions.

The Department asks for public views on any needed changes in these regulations in an advance notice of proposed rulemaking published today in the Federal Register. The regulations are contained in 29 CFR Part 541.

Written comments, which will be accepted until February 12 and requests for further information should be addressed to Herbert J. Cohen, deputy administrator, Wage and Hour Division, Employment Standards Administration, Room S-3502, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

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# News

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Office of Information

Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 85-557

CONTACT: LINDA TAVLIN  
OFFICE: 202-523-8743

FOR RELEASE: Immediate  
Thursday, December 26, 1985

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## LABOR DEPARTMENT IMPROVES ACCESS TO WAGE DETERMINATIONS

A new Labor Department publication will make current wage determinations under the Davis-Bacon and related acts more accessible to anyone needing them starting in January, Susan R. Meisinger, deputy under secretary of labor for employment standards, announced today.

The Davis-Bacon and related acts require that wage rates prevailing in the area be paid to workers on federally funded construction contracts of \$2,000 or more.

The Labor Department determines the prevailing wages for each craft and area for construction, alteration or repair work, including painting and decorating. Since 1971, it has published these general wage determinations in the Federal Register.

Now this information will be available in a new publication, "General Wage Determinations Issued Under the Davis-Bacon and Related Acts," obtainable through the Government Printing Office.

"This new procedure," Meisinger said, "will begin in January. It will replace the cumbersome and costly systems that have previously been used and make these wage determinations easily available to those who need them for inclusion in thousands of construction contracts."

She said the new system will eliminate serious problems users have had in locating, interpreting, filing and duplicating published general wage determinations.

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# News

United States  
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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 86-20

CONTACT: LINDA TAVLIN  
OFFICE: 202-523-8743

FOR RELEASE: Friday, January 17, 1986

JAN 27 1986

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## LABOR DEPARTMENT EXTENDS DEADLINE FOR RECEIVING PUBLIC COMMENTS ON REGULATIONS FOR EXEMPTION OF CERTAIN WHITE-COLLAR EMPLOYEES FROM FLSA COVERAGE

The U.S. Department of Labor has extended to March 22 its deadline for receiving public comment on the current regulations governing the exemption for executive, administrative, professional and outside sales employees under the Fair Labor Standards Act (FLSA).

The current regulations, 29 CFR Part 541, establish salary, duty and responsibility tests for such employees. Workers who meet these tests are exempt from the FLSA minimum wage and overtime provisions.

On November 19, 1985 the Department published an advance notice of proposed rulemaking in the Federal Register soliciting comments until January 21, 1986 from the public on any needed changes. Extension of the comment period to March 22 has been granted because a number of interested parties have requested such an extension to permit them to complete a full examination of the advance notice and provide comprehensive comments. Notice of the extension was published in the Federal Register on January 17.


Written comments, preferably in triplicate, and requests for further information should be addressed to Herbert J. Cohen, Deputy Administrator, Wage and Hour Division, Employment Standards Administration, Room S-3502, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Phone 202-523-8305.

Commenters who wish to receive notification of receipt of their comments should include a self-addressed, stamped post card.

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# News

United States  
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Office of Information

Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 86-12

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Wednesday, January 15, 1986

UNIVERSITY OF ILLINOIS  
JAN 21 1986  
LAW LIBRARY

PAULA V. SMITH NOMINATED AS ADMINISTRATOR OF ESA'S WAGE AND HOUR DIVISION

Labor Secretary Bill Brock today hailed President Reagan's nomination of Paula V. Smith to serve as Administrator of the Wage and Hour Division of the U.S. Labor Department's Employment Standards Administration.

The Wage and Hour Administrator directs the enforcement of the Federal wage and hour laws, including the Fair Labor Standards Act. The law, enacted in 1938, sets minimum wage, overtime pay, child labor and recordkeeping standards.

Smith is a native of St. Louis, Mo. She holds a B.S. degree in Economics from Washington University and a Master's degree in Business Administration from St. Louis University.

In January, 1981 Missouri Governor Christopher S. Bond appointed Smith as Director of the Department of Labor and Industrial Relations. She was re-appointed as Labor Director March 20, 1985 by Governor John Ashcroft.

As Labor Director, Mrs. Smith administers laws and evaluates policy for a six agency department which is comprised of the Division of Employment Security, the Division of Workers' Compensation, Division of Labor Standards, the Missouri Commission on Human Rights, the State Board of Mediation and the Governor's Committee on Employment of the Handicapped.

Before appointment to this Missouri cabinet level position, Smith served as Manager of Professional Training and Development for Trans World Airlines, Inc.

Mrs. Smith has served as a member of the National Commission on Employment Policy. Her other memberships included the Interstate Conference of Employment Security Agencies, Inc. of which she is a board member and has served as Secretary/Treasurer. Smith is a member of the Missouri Job Training Coordinating Council. As a representative to the Council, she serves on the Program Development and Coordination Committee.

She formerly served as a member of the board for the National Association of Commissions for Women and as a board member of the American Association of University Women. In addition she is a member of the American Society for Public Administration and Women Executives in State Government.



As Wage-Hour Administrator Smith will also enforce the Public Contracts Act, the Service Contract Act, and the Davis-Bacon and related acts setting wage and hour standards for workers on Government contracted jobs, as well as the wage garnishment provisions of the Consumer Credit Protection Act.

In addition, Smith will be responsible for the enforcement of the Migrant and Seasonal Agriculture Worker Protection Act, which establishes wage, transportation and housing protections for agricultural workers.

The Labor Department's area and district wage and hour offices across the country, with their staffs of compliance officers, will be under her direction.

Mrs. Smith is married to Lloyd Arthur Smith and the mother of two sons and one daughter Dwayne, Dwight and Cheryl.

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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 86-48

CONTACT: Linda Tavlin  
OFFICE: (202) 523-8743

FOR RELEASE: IMMEDIATE  
Friday, Jan. 31, 1986

## FINAL RULES ISSUED FOR LONGSHORE ACT COMPENSATION PROGRAM

New regulations maintaining protections for injured maritime workers and their families and at the same time tightening eligibility procedures, go into effect today.

The final regulations provide not only for the continued provision of workers' compensation benefits, but also give employers, insurers, and the Department of Labor the means to better control program costs and abuses.

Procedural changes to help assure that benefits are paid only to those entitled to them include:

- A more timely settlement process.
- In specific situations, barring the participation in the program of health care providers and claims representatives who have committed specified fraudulent acts.
- Modification of the rules governing "second injury" claims.

The final regulations reflect the comments made on the interim final regulations which were published last year on January 3, and which implemented the 1984 amendments to the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq).

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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 86-96

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Monday, March 10, 1986

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144 1100PM

## LABOR DEPARTMENT TAKING STEPS TO HELP STATE AND LOCAL GOVERNMENTS COMPLY WITH PROVISIONS OF FEDERAL FAIR LABOR STANDARDS ACT

The U.S. Department of Labor is taking steps to help state and local governments comply with the Fair Labor Standards Amendments of 1985, which become effective April 15.

The Department's Wage and Hour Division is sending notices to more than 83,000 state and local government units advising them that they will become subject to the federal wage and hour law on April 15, 1986, and summarizing what will be required of them.

The mailings are being sent to approximately 3,000 county governments, 19,000 municipalities, 17,000 townships, 15,000 school districts, and 29,000 special districts. These governmental units have an estimated 7.5 million non-supervisory employees.

The notice being sent out explains that the amended law allows public employers under certain conditions to give their employees time off with pay instead of cash overtime pay to compensate them for overtime hours worked; allows the exclusion of certain hour in determining overtime hours worked when employees work several jobs, has provisions concerning public agency volunteers; and other special provisions for state and local governmental employment practices.

The 1985 Fair Labor Standards Act (FLSA) amendments were the result of the U.S. Supreme Court ruling last year in Garcia v. San Antonio Metropolitan Transit Authority that state and local governments could constitutionally be subjected to the provisions of the FLSA. In the Garcia ruling, the Court reversed an earlier decision after the Labor Department took a number of actions to help states and localities adjust to their new responsibilities.

Congress, the Administration and all affected parties then cooperated to amend the act as applied to state and local governments. The amendments responded to the major concerns of all parties, and the President signed them into law on November 13, 1985.

The most notable change resulting from the amendments is that state and local governments will be permitted to grant compensatory time off with pay in lieu of cash payment for overtime hours. Immediate cash payment for overtime hours could have resulted in substantial costs to state and local governments, the curtailment of governmental services, and the disruption of non-federal governmental function.

The Wage and Hour Division will issue proposed regulations in the near future to implement the amendments.





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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 86-154

CONTACT: Linda Tavlin  
OFFICE: (202) 523-8743

FOR RELEASE: 9 a.m. (EST)  
Thursday, April 17, 1986

## LABOR DEPARTMENT SEEKS COMMENTS ON STATE, LOCAL GOVERNMENT OVERTIME REGULATIONS

The U.S. Department of Labor announced today that it wants public comments on proposed regulations implementing new amendments to the Fair Labor Standards Act affecting overtime pay for state and local government employees, which went into effect April 15, 1986.

The public will have 45 days to comment, and final regulations will be published after that. The comment period starts Friday, April 18, 1986, when a notice is scheduled to be published in the Federal Register.

The amendments, signed by President Reagan last Nov. 13, were passed by Congress following the U.S. Supreme Court decision in Garcia v. San Antonio Metropolitan Transit Authority et al.

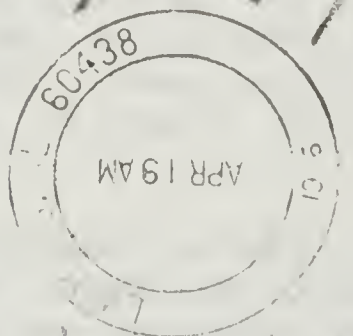
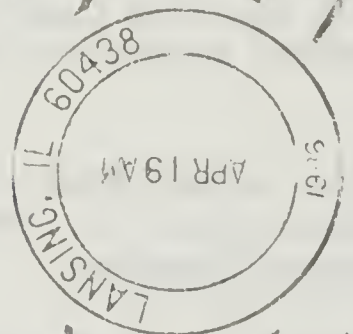
In its February 19, 1985 decision in the Garcia case, the U.S. Supreme Court determined that the minimum wage and overtime pay provisions of the Fair Labor Standards Act may be constitutionally applied to public agencies. The FLSA Amendments of 1985 responded to the serious concerns about the economic burden on public agencies that would have otherwise resulted from the Court's decision.

The proposed rules implement the FLSA amendments which permit state and local governments to give compensatory time off instead of immediate cash overtime payment at the rate of one and one-half hours for each hour of overtime worked. The maximum compensatory time to be accrued in public safety, emergency response or seasonal activity will be 480 hours (or 320 hours of actual overtime work). For all other employees the maximum compensatory limit of time accrued will be 240 hours (or 160 hours of actual overtime work). Employees who have accrued the maximum compensatory time shall be paid in cash for additional overtime hours of work.

In addition, the proposed regulations implement certain other provisions of the Fair Labor Standards Act as they relate to public employees. The rules clarify situations in which state and local government employees can work two jobs or for two employers without combining the hours to determine overtime due. The rules also clarify the circumstances under which volunteers are not subject to minimum wage and overtime requirements.

The Fair Labor Standards Act is administered by the Wage and Hour Division, Employment Standards Administration, Department of Labor. Comments on the regulations may be addressed to Herbert J. Cohen, Deputy Administrator, Wage and Hour Division, Room S3502, 200 Constitution Avenue N.W., Washington, D.C. 20210.





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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 86-175

CONTACT: Linda Tavlin  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Friday, April 25, 1986

## COMMITTEE TO REVIEW MINIMUM WAGE RATES IN AMERICAN SAMOA

Labor Secretary William E. Brock today announced creation of a six-member committee to review current minimum wage rates set under the Fair Labor Standards Act (FLSA) for all industries in American Samoa.

The six members selected represent two each from the public sector, employers and workers. They will meet April 28 in the House Chambers, Fono Building, Pago Pago, American Samoa.

The three members from Samoa are Ms. Clara Reid of the Seafarers International Union; Mrs. Robin Annesley-Dalton, board director for Ho Ching Annesley, Inc.; and Donald Griesmann, assistant attorney general and director of consumer protection, Bureau of American Samoa.

Members from the U.S. mainland are Ronald St. Cyr, acting assistant secretary for labor-management standards; Manley Sarnowsky of the Ralston Purina Co., and Joseph McDermott of the Teamsters' Public Employees' Trade Division.

Approximately 5,000 employees in American Samoa are protected by FLSA. Minimum hourly rates currently in effect for various industries range from \$1.46 to \$2.82 per hour. The special wage rates in Samoa vary by industry and are lower than the \$3.35 per hour minimum wage generally required by FLSA. The Samoa rate is established under FLSA requirements that a committee be convened at least once every two years to review the Samoa rates.

After holding public hearings to review local economic conditions, the committee will determine whether Samoan minimum wage rates should change.

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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 86 -213

CONTACT: Linda Tavlin  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate. Monday  
June 2, 1985

## PAULA V. SMITH SWORN IN AS WAGE-HOUR ADMINISTRATOR

Labor Secretary William E. Brock swore in Paula V. Smith as the 15th Wage and Hour Administrator in the Department of Labor. The ceremony took place today among friends and colleagues.

After administering the oath, Secretary Brock declared, "Paula Smith has the unique combination of broad-based administrative experience in government and the private sector to make her an outstanding leader of the Wage-Hour Division."

As an agency of the Employment Standards Administration, the Wage-Hour Division enforces various Federal wage and hour laws under the Fair Labor Standards Act, which sets minimum wage, overtime pay, child labor and record-keeping standards. Mrs. Smith will also be responsible for enforcement of the Service Contract Act, the Davis-Bacon Act and the Migrant and Seasonal Agricultural Workers Protection Act.

Before joining the Labor Department, Mrs. Smith served in the governor's cabinet as the Director of the Missouri State Department of Labor and Industrial Relations. She was also the manager of professional training and development for Trans World Airlines, Inc. (TWA). She was associated with TWA for over 20 years, rising through the ranks from customer services specialist.

Mrs. Smith is a native of St. Louis, Mo., and received a B.S. degree in economics at Washington University and a master's degree in business administration from St. Louis University.

She is a former presidential appointee to the National Commission on Employment Policy and is a past member of the Interstate Conference of Employment Security Agencies, Inc., the Missouri Job Training Coordinating Council, and Jobs for Missouri Graduates, Inc.

Mrs. Smith's former affiliations also include the National Association of Commissions for Women, the American Association of University Women, the American Society for Public Administration and Women Executives in State Government. She is a member of Alpha Kappa Alpha, and has received numerous state and national awards.

Mrs. Smith is married to Lloyd Arthur Smith; they have two sons and a daughter.





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United States  
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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 86-224

CONTACT: Linda Tavlin  
OFFICE: (202) 523-8743

FOR RELEASE: IMMEDIATE  
Thursday, June 5, 1986

## AGENCIES COLLABORATE IN ENFORCING SAFETY, HEALTH AND CHILD LABOR LAWS PERTAINING TO FIREWORKS MANUFACTURERS

A major federal-state interagency effort to enforce job safety, health and child labor laws in the fireworks manufacturing industry was announced today by the Labor Department.

The enforcement program involving the Department of Labor's Employment Standards Administration (ESA) and Occupational Safety and Health Administration (OSHA) is aimed at preventing a repetition of a fireworks plant explosion last year that killed or injured a number of workers including some illegally employed children.

The June 25, 1985 explosion at the Aerlex Corp. plant at Hallet, Okla. killed 21 workers, three of whom were teenagers. Under the child labor provisions of the Fair Labor Standards Act, enforced by ESA, it is illegal to employ workers under age 18 in the manufacture of fireworks.

After the Hallet accident, ESA and OSHA combined efforts to enforce the federal labor laws protecting the health and safety of workers and prohibiting the use of child labor in hazardous jobs in fireworks plants.

Susan R. Meisinger, deputy under secretary for employment standards, said today that ESA's nationwide corps of Wage-Hour compliance officers, nearly a 1,000 strong, has been directed to investigate fireworks manufacturers and to coordinate these activities with OSHA. June is a month of peak activity in fireworks manufacturing, she said.

OSHA also has directed its nationwide enforcement units to cooperate with the Wage and Hour division in assisting with enforcement of the child labor provisions of the FLSA.

Collaborating in the pre-July 4 crackdown is the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury, which also regulates the fireworks industry. Also, officials in the 26 States which have OSHA-approved health and safety programs have been asked to cooperate in this enforcement effort.





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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 86-238

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: IMMEDIATE, Friday  
June 6, 1986

## LABOR DEPARTMENT PROPOSES REVISIONS IN FEDERAL EMPLOYEES' COMPENSATION REGULATIONS

The Labor Department proposes to revise regulations governing the administration of the Federal Employees' Compensation Act (FECA), which provides benefits to federal employees for job-related injury, illness or death.

The announcement of the proposed changes is scheduled to appear in the Federal Register today.

The chief effects of the proposed rulemaking will be to clarify the claims process, to define and clarify language, and to standardize the application of FECA to some classes of employees not previously expressly covered in the regulations. The proposal will also make more specific the duties and responsibilities of the various parties in the claims process, and will suspend monetary compensation for failure or refusal to participate in vocational rehabilitation efforts.

Since prior regulations were promulgated in 1975, the Labor Department has determined further revisions were necessary for clarification and operational improvement. The proposal also addresses the detection and handling of waste, fraud and abuse in claims and provides for increased efficiency in adjudication of claims.

Written comments on the proposed revisions may be sent to Thomas Markey, Associate Director for Federal Employees' Compensation, Employment Standards Administration, U.S. Department of Labor, Room S-3229, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D. C. 20210; Telephone (202) 523-7552. The deadline for comments is July 21, 1986

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# News

United States  
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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 86-294

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: IMMEDIATE, WEDNESDAY  
July 16, 1986

## IMPACT ANALYSIS INDICATES REDUCED COST FOR STATE AND LOCAL GOVERNMENT EMPLOYERS

A draft economic impact study by the Labor Department shows that proposed regulations pertaining to employees of State and local governments would reduce overtime pay costs for employers of these public service workers, while allowing workers to continue compensatory time off arrangements.

The Supreme Court's decision last year in Garcia v. San Antonio Metropolitan Transit Authority, et al, which held that State and local public employees are subject to the Fair Labor Standards Act's minimum wage and overtime provisions, could have increased overtime payroll costs dramatically, while decreasing employees' ability to have flexible work schedules.

The draft impact study, prepared by the department's Wage and Hour Division and required by Executive Order 12291, reflects that the 1985 FLSA Amendments, enacted in response to this court decision, and new regulations which impact these amendments, have reduced these additional payroll costs. Under certain conditions, State and local governments are permitted to grant employees compensatory time off with pay instead of cash wages for overtime. The new law also allows the exclusion of certain hours in calculating overtime pay for employees in dual jobs. There are also special rules for public agency volunteers.

The announcement of the impact study, inviting public comment, appeared in the Federal Register of July 16. Final regulations will be issued in the near future.

The Fair Labor Standards Act is administered and enforced by the Wage and Hour Division of the Employment Standards Administration.

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 86-318

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Wednesday, July 30, 1986

## COMMENT PERIOD EXTENDED FOR PROPOSED RULE ON FECA CLAIMS

Because of continuing interest in a proposed rule to revise Federal Employees' Compensation Act (FECA) claims procedures, the Employment Standards Administration has extended the public comment period for 30 days from the date of publication.

Notice of the extension appeared in the Federal Register of July 28, 1986. The original notice was published on June 6.

The FECA provides benefits to federal employees injured or killed in the performance of duty.

Comments should be sent to Thomas M. Markey, associate director for federal employees' compensation, Employment Standards Administration, U.S. Department of Labor, Room S-3229, Frances Perkins Building, 200 Constitution Avenue, NW, Washington, D.C. 20210.

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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 86-349

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Wednesday, August 20, 1986

## NEW RULES PROPOSED FOR INDUSTRIAL HOMEWORKERS

Employment restrictions for homeworkers in six industries would be modified by regulations proposed today by the U.S. Department of Labor under the Fair Labor Standards Act.

Under the proposed rule, employers who obtain certificates from the department would be permitted to employ homeworkers, while employers without such certificates would continue to be subject to the existing ban on employment of homeworkers in certain industries.

The six industries affected by this proposal are: women's apparel; jewelry manufacturing; gloves and mittens; button and buckle manufacturing; handkerchief manufacturing and embroideries.

The proposal follows an 18-month review of a certification system in the knitted outerwear industry which was adopted in late 1984 by the Labor Department.

The certification system would allow employers in these industries who obtain certificates and pay their homeworkers proper minimum wage and overtime pay the opportunity to legally employ workers at home.

However, employers in the six industries who do not identify themselves as homeworker employers by obtaining certificates could not legally employ homeworkers.

Secretary of Labor William Brock stated, "Because of the nationwide interest in homeworker employment, the public comment period will be extended for 60 days" beginning with notice of the proposed rulemaking scheduled to appear in the Federal Register of August 21, 1986.

Comments may be submitted to Paula V. Smith, Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Ave. NW, Washington, D.C. 20210.

# # #





Employment of Homeworkers  
Regulations, 29 CFR Part 530

Fact Sheet

- The Department of Labor has proposed new regulations which would modify the current restrictions on the employment of homeworkers in six industries.
- The six industries affected are: womens' apparel; jewelry manufacturing; gloves and mittens; button and buckle manufacturing; handkerchief manufacturing; and embroideries.
- Under the proposed rules, employers in these six industries would be permitted to legally employ homeworkers, provided they first obtain certificates from the Department, pay their homeworkers proper minimum wage and overtime pay and keep all records required under the Act and DOL regulations.
- Section 11(d) of the Fair Labor Standards Act (FLSA) provides that the Secretary of Labor may regulate, restrict, or prohibit industrial homework as necessary or appropriate to insure that the FLSA's minimum wage requirements are met.
- The current restrictions on homework in these six industries and knitted outerwear were issued in the 1940's. Homework in other industries has never been restricted by the Department.
- The proposed regulations provide a simple system for employers in these industries to register with the Department if they wish to utilize homeworkers. Thus, the Department will know where the homeworkers are working and be able to insure that such workers are paid properly under the FLSA.
- Employers in these industries who fail to obtain certificates will continue to be subject to the current restrictions on homework.
- The proposed regulations are part of a series of actions by the Department which began in 1980 and are aimed at eliminating unnecessary regulatory restrictions on homework. These rule changes were proposed following 18 months experience under a similar homeworker certification system adopted in late 1984 for the knitted outerwear industry.

--For the first time in over 40 years, individuals who choose to work at home in these six industries will be permitted a legal avenue to do so. Individuals who must work at home for personal reasons (such as the desire to be at home to care for children; an inability to afford the costs of employment outside the home including clothing, transportation, and meals; a lack of transportation; or the need to work part-time and/or set one's own work schedule) will not be limited by Federal regulations in the kinds of work they can perform.

--When the proposed regulations become final, the last legal barriers to homework imposed by the Department will be removed.

--The Department believes that the current rules which ban homework in these industries (except for very limited cases) have not worked:

- 1) They have unnecessarily infringed on the rights of individuals to work at home.
- 2) They have reduced the incentives for employers of homeworkers in these industries to comply with the minimum wage and overtime provisions of the FLSA since their operations are illegal under the FLSA anyway.
- 3) They have reduced the likelihood that homeworkers in these industries will complain to the Department about minimum wage or overtime violations since a successful complaint may lead to the loss of their jobs.

--Since 1981, the Department has conducted a concerted effort to detect and correct violations of the FLSA affecting homeworkers. Between October 1981 and April 1986, a total of 1,442 investigations of employers using homeworkers were conducted, compared with fewer than 100 during the entire prior six-year period.



Employment of Homeworkers  
Regulations, 29 CFR Part 530

Chronology

- 1940's
  - Homework is restricted in knitted outerwear; women's apparel; jewelry manufacturing; gloves and mittens; buttons and buckle manufacturing; handkerchief manufacturing; and embroideries.
- 1980
  - Department begins a review of the homeworker rules. Public hearings are held in January and February of 1981 in Burlington, Vermont and in Washington, D.C.
- May 5, 1981
  - Department publishes proposed regulations in the Federal Register to lift the restrictions on homework in all seven industries.
- October 9, 1981
  - Department issues a final rule lifting the restrictions in the knitted outerwear industry.
- October 27, 1981
  - International Ladies Garment Workers Union, State of California, State of New York, and others sue the Department to overturn the final rule.
- July 23, 1982
  - District Court upholds the final rule.
- November 29, 1983
  - D.C. Court of Appeals reverses the lower court's decision. As a result, the October 9, 1981 rule is vacated by the District Court.
- March 27, 1984
  - Department publishes a new proposed rule to lift the restrictions on homework in the knitted outerwear industry and issues a temporary emergency rule for homeworkers already employed in that industry.



April 30, 1984

- Appeals Court instructs the D.C. District Court to enforce November 29, 1983 mandate with respect to knitted outerwear.

May 8, 1984

- District Court orders the Department to rescind the temporary emergency rule of March 27, 1984.

May 24, 1984

- Department publishes a Federal Register notice rescinding the emergency rule of March 27, 1984. Thus, the ban on homework in knitted outerwear is reimposed.

June 22, 1984

- Department announces a second comment period on the March 27, 1984 proposal and invites comments on various alternatives to a total rescission of the restrictions on knitted outerwear homework.

November 5, 1984

- Department publishes a final rule lifting the homework restrictions for employers in the knitted outerwear industry who obtain certificates from the Department and pay their homeworkers proper minimum wage and overtime pay. The final rule is not challenged in court.

August 1986

- Based on enforcement experience in the knitted outerwear industry under the certification program, the Department issues proposed rules to implement a similar program in the other restricted industries.

# News

United States  
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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 86-355

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Tuesday, August 26, 1986

## LARRY ROGERS NAMED TO HIGH POST IN EMPLOYMENT STANDARDS ADMINISTRATION

The appointment of Lawrence W. Rogers Jr. as acting Associate Deputy Under Secretary in the Labor Department's Employment Standards Administration (ESA) was announced today by Deputy Under Secretary Susan R. Meisinger.

Rogers, a federal employee for 25 years, has been director of the Office of Workers' Compensation Programs (OWCP) in ESA since May 1984.

In his new post he will participate in the overall direction and administration of the department's Employment Standards Administration.

He will assist Meisinger in carrying out enforcement of federal equal employment opportunity programs for members of minority groups, women, handicapped workers and Vietnam-era and disabled veterans; administration of federal workers' compensation statutes, the black lung and longshore programs; and enforcement of federal minimum wage, overtime, child labor and migrant farm worker protection laws.

As director of OWCP, Rogers has been responsible for administration of the Federal Employees' Compensation Act, the Longshoremen's and Harbor Workers' Compensation Act and the Black Lung Benefits Act. These acts cover almost five million workers and provide benefits of nearly \$2 billion of private and federal funds in various types of workers' compensation for job-related injury and death.

In announcing Rogers' reassignment, Deputy Under Secretary Meisinger said, "Larry Rogers has demonstrated his management capabilities in a succession of high level posts with ESA during the past six years. He has shown personal integrity, leadership, and a spirit of fair play that have been a motivation to those who work with him. I look forward to adding his expertise to my immediate office."

Rogers holds the B.A. and M.A. degrees in economics from the University of Texas. He entered federal service in 1961 as a labor economist with the Labor Department's Bureau of Employment Security. From 1965 to 1968 he was special assistant to the director of the bureau.

-more-



Rogers was assigned to Boston in 1968 as regional administrator of the bureau, and became regional administrator of the newly-organized Employment and Training Administration (ETA) in 1970, a position he held until 1975 when he was named regional administrator of ETA's New York region. He was transferred in 1977 to ETA's Washington, D.C. office and served as administrator of field operations.

In October 1978 he became regional managing director in Fort Worth, Texas, for the Interstate Commerce Commission, regulating motor carrier and railroad transportation in eight states. Beginning in November 1979 he worked on the transition team setting up the new Department of Education, and was deputy assistant secretary for operations in that department when he returned to the Labor Department in 1980 to become OWCP's deputy director of operations.

From 1982 to 1984 Rogers was director of the Office of Management, Administration and Planning services for all of the ESA programs.

Rogers was awarded the Department of Labor's Distinguished Achievement Award in 1976; in 1982 he received the Philip Arnow Award in recognition of consistently outstanding performance and service in the department over a long period of time, and the President conferred upon him the rank of Meritorious Executive in the Senior Executive Service in 1985. He lives in Silver Spring, Md.

In his new post Rogers succeeds Craig A. Berrington who held the position since 1979. Berrington resigned effective August 15 to become general counsel for the American Insurance Association.

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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 86-382

CONTACT: LINDA TAVLIN  
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FOR RELEASE: Immediate  
Monday, September 15, 1986

## PROPOSED RULES MODIFY RECORDKEEPING UNDER FAIR LABOR STANDARDS ACT

Proposed changes to streamline and reduce recordkeeping requirements for employers covered by the Fair Labor Standards Act (FLSA) were announced today by the Department of Labor.

The proposed changes, scheduled to appear in today's Federal Register, would delete references to sections of the FLSA that have been repealed and add references to revised sections of the act. The public is invited to comment on the revisions.

The FLSA sets federal minimum wage, overtime pay and child labor standards. The act and the regulations require employers to maintain records which enable the Labor Department to enforce the act's provisions. Most employers customarily maintain such records as a usual business practice.

Amendments to the FLSA in 1974 and 1977 repealed, modified or added certain minimum wage and/or overtime exemption provisions. The proposed rulemaking will bring the regulations up to date with the amended statute and streamline recordkeeping rules for all employers covered by FLSA. Some employers subject to the amended sections will be relieved of recordkeeping burdens, while others will benefit from simplified language which will make it easier to comply with the act.

The FLSA is administered and enforced by the Wage and Hour Division of the Employment Standards Administration, an agency of the U.S. Department of Labor.

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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 86-410

CONTACT: LINDA TAVLIN  
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FOR RELEASE: Immediate  
Friday, October 3, 1986

## EL PASO NATURAL GAS COMPANY ORDERED TO PAY \$7.698 MILLION IN BACK WAGES

The El Paso Natural Gas Company has been ordered to pay \$7.689 million in one of the largest overtime pay decisions obtained by the U.S. Department of Labor, Labor Secretary William E. Brock announced today.

The decision affects 130 former and present employees of the company, which is based in El Paso, Texas.

Secretary Brock's announcement followed a judgment by Judge Harry Lee Hudspeth of the U.S. District Court for the Western District of Texas in El Paso.

Judge Hudspeth ruled that the company failed to pay overtime wages to employees at 22 remote satellite pumping stations along the company's natural gas pipeline in Texas, New Mexico, and Arizona. The employees, all operators or repairmen, were not paid for hours during which they were required to be on-call for immediate response to emergencies.

The federal Fair Labor Standards Act (FLSA) generally requires payment of one-and-one half times an employee's regular rate of pay for overtime after 40 hours in a workweek for all covered work. This is the same law which requires payment of the minimum wage, currently \$3.35 per hour.

The case centered on the company's requirement that one employee at each station be on-call every night to respond to any emergency that should occur after the regular duty hours of 7:30 a.m. to 4 p.m. Company policy was to pay only for the time spent responding to a call. The affected employees lived in housing located at the station sites, which were located at isolated areas along the company's pipeline.

Almost since the inception of the FLSA, the courts have recognized that "waiting time" may also be "working time" for the purpose of the act. Judge Hudspeth found that; each on-call employee spent an additional 7-1/2 hours working each night since their hours spent "waiting" were so restricted that they could not effectively use the time for their own purposes.



The judgment in the suit, which was filed by the Labor Department Nov. 18, 1980, also enjoins El Paso Natural Gas Company from further violations of the FLSA.

The back wages due the pumping station employees are for unpaid overtime hours worked between Nov. 19, 1977 and Dec. 15, 1983, when the company instituted a new policy which did not require them to be on-call. Individual amounts in the judgment range from \$2,476 to \$199,846, and include interest.

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 86-420

CONTACT: LINDA TAVLIN  
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FOR RELEASE: Immediate  
Thursday, October 16, 1986

## LABOR DEPARTMENT EXTENDS PUBLIC COMMENT PERIOD ON PROPOSED INDUSTRIAL HOMEWORK REGULATIONS FOR AN ADDITIONAL 45 DAYS

The Department of Labor is extending to December 4 the public comment period on its proposed regulations modifying employment restrictions for homeworkers in six industries.

The proposed regulations were published in the Federal Register on August 21 and provided for a 60-day comment period ending October 20. The Department's decision to accept comments for an additional 45 days reflects the widespread public interest in homemaker employment.

The proposed regulations would permit employers who obtain certificates from the Department to employ homeworkers, while employers without such certificates would continue to be subject to the existing ban on employment of homeworkers in certain industries.

The six industries affected by this proposal are: women's apparel; jewelry manufacturing; gloves and mittens; button and buckle manufacturing; handkerchief manufacturing, and embroideries.

Publication of the proposed regulations followed an 18-month review of a certification system in the knitted outerwear industry which was adopted in late 1984 by the Labor Department.

The certification system would allow employers in these industries who obtain certificates and pay their homeworkers proper minimum wage and overtime pay the opportunity to legally employ workers at their homes. However, employers in the six industries who do not identify themselves as homework employers by obtaining certificates could not legally employ homeworkers.

Comments may be submitted to Paula V. Smith, Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Ave. NW, Washington, D.C. 20210.

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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION USDL: 86-532

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FOR RELEASE: Immediate  
Wednesday, December 24, 1986

## HARRIS TRUST AND SAVINGS BANK OF CHICAGO FOUND IN VIOLATION OF FEDERAL EQUAL EMPLOYMENT REGULATIONS

An Administrative Law Judge of the Department of Labor has ruled that the Harris Trust and Savings Bank of Chicago had engaged in a pattern and practice of discrimination against its female and minority employees dating back to the mid-1960s.

The decision, rendered by Chief ALJ Nahum Litt, represents the latest ruling in an action initially brought by the Department of Treasury and the Labor Department's Office of Federal Contract Compliance Programs against Harris in 1977 to enforce Executive Order 11246, the federal order which requires government contractors to refrain from discrimination against minorities and women in employment. An earlier hearing in the matter had resulted in a finding that Harris had discriminated in its placement, pay and promotion of minorities and women over a period of years, and a recommended back pay award to those employees which exceeded \$12 million. That decision was voided in 1983, when then-Secretary of Labor Raymond J. Donovan ruled that the bank had wrongly been denied the opportunity to present certain statistical studies which it claimed demonstrated that it had not engaged in unlawful conduct. A second trial took place in late 1985 and through May of this year.

After reviewing all of Harris's proof and other evidence presented by attorneys from the Office of the Solicitor of Labor, Judge Litt ruled in a lengthy opinion that "An evaluation of the totality of evidence establishes that Harris discriminated against women and minorities in initial placement and salaries. The combined weight of the statistical and anecdotal evidence in this case is overwhelming." Indeed, according to Judge Litt, certain of the statistical studies which Harris claimed supported its position "lend support to the government's case."

In reaching his conclusion, Judge Litt relied upon evidence developed by the attorneys for the Department of Labor which demonstrated that women and minorities were significantly more likely to be placed in clerical positions than were comparably qualified white men, and were excluded entirely from certain professional positions within the bank until the 1970s. The salaries

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paid to women and minorities by Harris were shown to have been lower than those paid to similarly qualified white men throughout the period; and the Department proved that women were less likely to be promoted to officer throughout the period than were comparable white men. The judge emphasized that female employees at the bank were denied promotions or otherwise held back in their careers at the Harris. He noted that two of these women left the Harris Bank after being frustrated by their treatment there, and immediately became officers at other banks at substantially higher salaries.

The judge expressly rejected Harris's argument that its employment practices between 1965 and the present were protected by an Affirmative Action Plan developed under Executive Order 11246. While the opinion notes that an effective Affirmative Action Plan may constitute a defense to a charge of discrimination, it concludes that the overwhelming evidence by Harris Bank, itself, demonstrated that any Affirmative Action Plan which the bank may have adopted was not effective.

Commenting upon the decision, Solicitor of Labor George R. Salem said, "The Harris Bank case represents a significant effort by the Department of Labor to achieve the goal of equal employment opportunity in the workplace."

The decision does not set a back pay figure which Harris must pay to compensate the victims of its discriminatory policy, but sets further hearings to determine the amount owed to the individual women and minorities who worked at Harris. Back pay will be awarded for the period 1974 to the present. Mr. Salem said that he anticipates that this sum could exceed the \$12 million figure set after the 1979 trial. Harris may also be required to provide additional training and promotions to minorities and females currently working at the bank.

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# News

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 87-24

CONTACT: LINDA TAVLIN  
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FOR RELEASE: Immediate  
Friday, January 16, 1987

## LABOR DEPARTMENT ISSUES FINAL REGULATIONS GOVERNING EXTENSION OF FLSA COVERAGE TO STATE AND LOCAL GOVERNMENT EMPLOYEES

Final regulations permitting state and local governments to give employees compensatory time instead of overtime pay under the federal wage-hour law were issued today by the U.S. Department of Labor.

The final regulations, published in today's Federal Register, are the results of changes to the Fair Labor Standards Act which was amended November 13, 1985. In addition, these newly promulgated regulations clarify issues raised in comments received on proposed regulations issued April 18, 1986. State and local governments have been operating since that date under Labor Department guidelines based on the provisions of the proposed regulations.

The 1985 Amendments were passed by Congress following the February 19, 1985 U.S. Supreme Court decision in Garcia v. San Antonio Metropolitan Transit Authority et al., in which the Court determined that the minimum wage and overtime provisions of the FLSA may be constitutionally applied to public agencies. The amendments responded to the serious concerns about the economic burden on public agencies that would have otherwise resulted from the Court's decision.

The final rules implement the FLSA amendments which permit state and local governments to give compensatory time off at the rate of one and one-half hours for each hour of overtime worked instead of cash overtime payment. The maximum compensatory time to be accrued in public safety, emergency response or seasonal activity is established at 480 hours (or 320 hours of actual overtime work). For all other employees the maximum compensatory limit of time accrued will be 240 hours (or 160 hours of actual overtime work). All other employees who have accrued the maximum compensatory time shall be paid in cash for additional overtime hours of work until they have used some of their accrued compensatory time.

The new regulations also clarify situations in which state and local government employees can work two jobs or for two employers without combining the hours to determine overtime due, and circumstances under which volunteers are not subject to minimum wage and overtime requirements.

The Fair Labor Standards Act is administered by the Wage and Hour Division, Employment Standards Administration, Department of Labor.

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L1.79; 87-2~~H~~ item 771-f

1987

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Office of Information

Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 87-35

CONTACT: Linda Tavlin  
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FOR RELEASE: Immediate  
Friday, January 23, 1987

## VALIN IS APPOINTED ADMINISTRATOR OF ESA PROGRAMS IN SEATTLE REGION

James L. Valin, a 20-year veteran of the Labor Department's Wage and Hour Division, has been appointed to head the department's Employment Standards Administration (ESA) in the Seattle region, Deputy Under Secretary Susan R. Meisinger announced today.

As ESA regional administrator, Valin will supervise ESA's administration and enforcement of over 90 laws in a four-state region comprised of Alaska, Washington, Oregon and Idaho.

His responsibilities include oversight of programs involving federal employees' compensation, worker rehabilitation, EEO requirements for federal contractors, minimum wage and overtime laws, child labor standards, government contract prevailing wage laws, and migrant and seasonal agricultural worker protections.

Valin has been assistant administrator of the Wage and Hour Division in Washington, D.C. since August 1982. In this post he has assisted in administering and overseeing the enforcement of federal laws establishing labor standards affecting more than 73 million of the nation's workers.

Valin began his Labor Department career with the Wage and Hour Division in 1967 as a wage-hour investigator in Tampa, Fla., transferring to Orlando in 1969 and to Daytona Beach in 1974. In 1977, he was appointed assistant area director of the division's Mobile, Ala., office and, in 1979, he became director of the Grand Rapids, Mich., area office. From April 1980 until August 1982, he served as director of the Division of Minimum Wage and Hour Standards in Washington, D.C.

Valin entered federal service in 1965 as a claims representative for the Social Security Administration in Jacksonville, Fla.

Deputy Under Secretary Meisinger said, "With his outstanding management record, extensive experience, deep dedication and outstanding ability, Jim Valin will be a tremendous asset to ESA as our regional administrator in Seattle."

A native of Key West, he received a B.A. degree in psychology and social science from the University of South Florida in Tampa in 1965 and a master of commercial science degree in 1972 from Rollins College, Winter Park, Fla.



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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 87-47

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Wednesday, February 4, 1987

## CAROL A. GAUDIN NAMED ADMINISTRATOR OF EMPLOYMENT STANDARDS PROGRAMS IN REGION IV

Carol A. Gaudin, director of the Employment Standards Administration's (ESA) Office of Management, Administration and Planning (OMAP), has been named ESA regional administrator for Region IV with headquarters in Atlanta, Deputy Under Secretary Susan R. Meisinger announced today.

The region includes Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee.

Gaudin has held a succession of key posts in ESA. As OMAP director since November 1985, she has been responsible for the management, and administrative and planning services of the agency in support of ESA programs.

These services include federal employee compensation, black lung benefits, longshore and harbor workers' compensation, EEO requirements for federal contractors, worker rehabilitation, the minimum wage and hours laws, child labor standards, prevailing wage laws and migrant and seasonal agriculture worker protections.

As ESA regional administrator, she will exercise direct control of the day-to-day operations of these same programs in the eight states comprising Region IV.

Before her appointment to head OMAP, Gaudin was director of the Division of Program Analysis and Review in ESA's Office of Federal Contract Compliance Programs (OFCCP). She joined OFCCP's national office staff in May 1984 after serving as assistant regional administrator for OFCCP since December 1982 in ESA's New York regional office. She also served as OFCCP area director in Little Rock, Ark.

Her government service began in the civil rights office of the U.S. Maritime Administration in New Orleans in 1973. From January 1977 to November 1978, she headed that agency's South Atlantic regional civil rights office in Norfolk, then moved to the enforcement division of OFCCP's national office as an equal opportunity specialist.

During her tenure in Little Rock she was chosen as Federal Woman of the Year in Arkansas, and received the Urban League's Pacesetter Award.

A native of St. Martinville, La., Gaudin earned a bachelor's degree in education at Xavier University, graduating cum laude in 1967. She received a master's degree in counseling in 1973, and a second master's in political science in 1978 from the University of New Orleans. She later attended law school at the University of Arkansas.

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# News

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 87-133

CONTACT: LINDA TAVLIN  
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FOR RELEASE: Immediate  
Wednesday, April 1, 1987

## LABOR DEPARTMENT ISSUES FINAL RULE IN FEDERAL EMPLOYEES' COMPENSATION REGULATIONS

The Labor Department today issued final regulations governing the administration of the Federal Employees' Compensation Act (FECA), which provides benefits to federal employees for job-related injury, illness or death.

The principal effects of the final rulemaking will clarify the claims process, define and clarify language, standardize application of FECA to some classes of employees not previously expressly covered in the regulations and provide greater employer involvement and monitoring of workers' compensation cases.

The changes restrict the procedures for continuation of an employees' pay during the first 45 days of disability resulting from traumatic job-related injury; place a one-year time limit on payment for medical and rehabilitation injury-related expenses; describe responsibility for employee and employer to facilitate an injured employee's return to work; and limit the review/hearing process, formerly open-ended without restriction.

The announcement of the changes is scheduled to appear in the Federal Register today. Notice of proposed rule changes was published in the Register on June 6, 1986.

The last major FECA revisions were promulgated in 1975; in the interim the Department determined new rules were necessary for operational improvement, clarification and efficiency in adjudication of claims.

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# News

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 87-116

CONTACT: LINDA TAVLIN  
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FOR RELEASE: Immediate  
Friday, March 20, 1987

## MINIMUM WAGE RATES IN AMERICAN SAMOA

The Department of Labor announced today that Secretary William E. Brock will appoint a special committee to review current minimum wage rates for all industries in American Samoa covered by the Fair Labor Standards Act (FLSA).

The special wage rates for Samoa, which vary by industry and are lower than the U.S. mainland minimum of \$3.35 an hour, are established under the FLSA. The act requires that a committee be convened at least once every two years to review the rates below the mainland minimum rate.

American Samoa has over 9,000 employees who are protected by the FLSA. Most of the nearly 4,400 employees of the Government of American Samoa are covered by the act. Tuna fish canning is the major private sector industry, and the current minimum wage for the industry is \$2.82 an hour.

After holding public hearings to review local economic conditions, the committee will determine whether Samoa minimum wage rates should change. The hearings, slated to begin June 8, 1987, will be held in Pago Pago.

The committee will consist of six members -- two each representing the public sector, employers and employees. Three members will be from the island and three from the mainland.

The FLSA, which provides minimum wage, overtime pay, recordkeeping and child labor standards, is enforced by the Wage and Hour Division of the Department's Employment Standards Administration.

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L1.79; 87-116 item 771-f

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL; 87-172

CONTACT: ROBERT ZACHARIAS  
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FOR RELEASE: Immediate  
Wednesday, April 29, 1987

## BACK WAGE SETTLEMENT REACHED FOR 533 WORKERS

Ten coal mining and coal processing companies in Beckley, W.VA. and Henry Paul Kizer, an official of all 10 corporations, have agreed to pay a total of \$200,000 in back wages to 533 workers employed between April 2, 1983 and March 23, 1985, according to a consent judgment filed in U.S. District Court for the Southern District of West Virginia, Beckley Division.

The judgment resolves a complaint filed March 21, 1986 by the U.S. Labor Department alleging violations of the federal Fair Labor Standards Act (FLSA) by Kizer and the following Beckley-based corporations: Maben Energy Corp.; East Gulf Fuel Corp.; Halfway, Inc.; Qinland Coals, Inc.; Barrett Fuel Corp.; M.A.E.-West, Inc.; Black Nugget Coal Corp.; Volunteer Coal Corp.; Turkey Branch Fuel Corp; and M.A.E. Services, Inc.

The department's complaint alleged the defendants violated the overtime pay and recordkeeping provisions of the FLSA, which generally requires payment of overtime (time and one-half) rates after 40 hours in any workweek and requires employers to keep adequate time and payroll records.

The consent judgment was signed by U.S. District Judge Elizabeth V. Hallman, who accepted a Jan. 20, 1987 agreement with the Labor Department in which the defendant corporations and Kizer denied having violated the FLSA but agreed to pay the back wages in five installments between May 8, 1987 and April 7, 1988.

The companies, Kizer and Frederick E. Ferguson, a former official of the corporations, were also permanently enjoined from violating the FLSA in the future.

The civil action resulted from an investigation conducted by the Charleston, W.VA. area office of the Labor Department's Wage and Hour Division. The Wage and Hour Division's regional office in Philadelphia will administer the back wage payments.





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# News

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 87-200

CONTACT: ROBERT ZACHARIAS  
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FOR RELEASE: Immediate  
Thursday, May 14, 1987

## DANVERS, MASS., GASOLINE DISTRIBUTOR ORDERED TO PAY 751 EMPLOYEES \$180,000 IN BACK WAGES AND LIQUIDATED DAMAGES

J.R. Sousa and Sons, Inc., a Danvers, Massachusetts-based petroleum products retailer with approximately 120 gasoline stations located in Massachusetts, New Hampshire and New York, and Joseph J. Sousa, as President of the corporation, have been ordered to pay \$180,000 in back wages and liquidated damages as a result of a consent decree issued by the U.S. District Court for Massachusetts.

Without admitting liability, the defendants agreed to the decree signed by U.S. District Judge John J. McNaught. The decree resolves a suit filed against the defendants by the U.S. Labor Department alleging violations of the Fair Labor Standards Act (FLSA), including failure to pay the minimum wage and proper overtime and failure to maintain adequate and accurate payroll records.

According to Walter P. Parker, regional administrator for the Labor Department's Employment Standards Administration, a total of \$180,000--\$90,000 in back wages and \$90,000 in liquidated damages--is due 751 employees for the period of time from November 1, 1980 through May 1985.

Parker stressed that the judgment also permanently enjoins the defendants from future violations of the minimum wage, overtime and recordkeeping provisions of the Fair Labor Standards Act.

Passed in 1938, the FLSA--also known as the federal wage and hour law--today covers more than 60 million workers nationwide, explained Parker. The law, enforced by ESA's Wage and Hour Division, sets the federal minimum wage at \$3.35 per hour and generally requires overtime pay for hours worked over 40 in any workweek. It also prohibits child labor abuse and requires employers to keep adequate time and payroll records.

The department's legal action against the firm followed an investigation by the Wage and Hour Division offices in Boston, Massachusetts, Manchester, New Hampshire and Albany, New York.



The Boston area office is located at Room 1059, Park Square Building, 31 St. James Ave., Boston, MA 02116. (TEL: (617) 223-6751). The Manchester office is located at 120 Hanover St., Room 216, Manchester, NJ 03101. (TEL: (603) 666-7716). The Albany area office is located at Leo W. O'Brien Federal Building, Room 822, Clinton Ave. & North Pearl St., Albany, NY 12207. (TEL: (518) 472-3596).

The civil action file number for the case is 84-1562-Mc.

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# News

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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 87-212

CONTACT: ROBERT ZACHARIAS  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Wednesday, May 27, 1987

## BROCK APPOINTS COMMITTEE TO REVIEW MINIMUM WAGE RATES IN AMERICAN SAMOA

Secretary of Labor William E. Brock today announced creation of a six-member committee to review current minimum wage rates set under the Fair Labor Standards Act (FLSA) for all industries in American Samoa. The FLSA is administered by the Wage and Hour Division of the Employment Standards Administration.

The six members selected represent two each from the public sector, employers and workers. They will meet June 8 in the House Chambers, Fono Building, Pago Pago, American Samoa.

Over 9,000 workers in American Samoa are protected by the FLSA. Minimum hourly rates currently in effect for various industries range from \$1.46 to \$2.82 per hour. The special wage rates in the territory vary by industry and are lower than the mainland minimum wage rate of \$3.35 per hour generally required by the FLSA. The Samoan rate is established under FLSA requirements that a committee be convened at least once every two years to review all FLSA wage rates that are below the mainland minimum.

After holding public hearings to review local economic conditions, the committee will determine whether Samoan minimum wage rates should change. Based on its findings, the committee will recommend to the Secretary the highest rate which will not substantially curtail employment and will not give industries in the territory a competitive advantage over similar mainland businesses.

From the public sector, Jeter S. Ray, retired deputy solicitor of Labor, will be the committee chairman. Iosefo Kapeli Iuli, a member of the American Samoan House of Representatives, will be the other public member.

Representing employers, Peter Reid, Jr., local businessman, will be the Samoan nominee. John Real, retired President of Star Kist Foods, Inc., will be the mainland employer member.

Joseph McDermott, of the Teamsters' Public Employees Trade Division, has been appointed as the mainland employee committee member. Clara Reid, who is associated with the Seafarers International Union, will be the employee member from Samoa.

MEMO

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# News

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 87-253

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Friday, June 19, 1987

## FRED ALVAREZ CONFIRMED BY SENATE TO HIGH-LEVEL LABOR DEPARTMENT POST

Labor Secretary William E. Brock today hailed the swift Senate confirmation of Fred W. Alvarez as assistant secretary of labor for employment standards.

Alvarez, 37, an attorney from New Mexico, was a commissioner of the Equal Employment Opportunity Commission for three years before President Reagan nominated him for the sub-Cabinet post. He now becomes one of the highest ranking Hispanics in the Administration.

Brock said Alvarez "brings to the Department of Labor solid administrative and enforcement experience and a strong commitment to equity and decency in employment for all Americans."

In his new position, Alvarez will head the Labor Department's largest agency, the Employment Standards Administration, which has over 4,000 employees. It includes the Wage and Hour Division, the Office of Federal Contract Compliance Programs and the Office of Workers' Compensation Programs.

Alvarez has a well established labor law background. Before joining the EEOC, he was in private practice in Albuquerque specializing in equal employment and labor relations law. Prior to that he was a trial attorney with the National Labor Relations Board's regional offices in Oakland and San Francisco. He started his professional career as a law clerk to Chief Justice LaFel E. Oman of the New Mexico Supreme Court.

A 1968 graduate of the New Mexico Military Institute, Alvarez received a B.A. degree with honors in economics from Stanford University in 1972 and a law degree from Stanford in 1975.

He was admitted to the California and New Mexico state bars and has served as a faculty member for the Council on Legal Educational Opportunities and as a member of the Stanford Law School Board of Visitors.

He is a member of the American Bar Association's Section of Employment and Labor Law.

Alvarez succeeds Deputy Under Secretary Susan R. Meisinger, who is returning to private industry. She will be vice president of government affairs for the American Society for Personnel Administration. Meisinger served as deputy under secretary of the agency since February 1984.

L1.79: 87-253 (item 771-f)

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# News

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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 87-262

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Wednesday, June 24, 1987

## NANCY M. FLYNN NAMED ASSISTANT WAGE-HOUR ADMINISTRATOR

Nancy M. Flynn, a career civil servant, has been named assistant administrator for the Office of Programs Operations in the Labor Department's Wage and Hour Division.

In announcing the selection, Wage and Hour Administrator Paula V. Smith noted that Flynn is the first woman in the Wage and Hour Division to advance from entry-level compliance officer to the senior executive service, the highest level for career federal employees. The Wage and Hour Division, in the Labor Department's Employment Standards Administration, is responsible for enforcement of the Fair Labor Standards Act and other employment laws.

Flynn, who has been acting assistant administrator since February, joined the Labor Department in 1970 as a wage-hour compliance officer in Detroit. She moved through increasingly responsible posts until she became deputy assistant regional administrator in the Chicago region in 1982 and was then appointed director of the division of minimum wage and hour standards in the national office in Washington. The following year, she was named deputy assistant administrator and has served as acting division director for the divisions of fair labor standards operations and for farm and child labor programs.

Last year she was selected for a senior executive service candidate program.

A native of Kalamazoo, Mich., Flynn received her B.A. in political science from Western Michigan University, magna cum laude, and earned an M.A. from the University of Michigan in 1970.

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L1,79: 87-262 (item 774-F)

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 87-283

CONTACT: Robert Zacharias  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Tuesday, July 7, 1987

## SALINAS, CALIF., GROWER DEBARRED FROM RECEIVING FEDERAL GOVERNMENT CONTRACTS

A major Salinas, Calif., grower has been debarred by the U.S. Department of Labor from receiving any federal government contracts because the firm failed to have an affirmative action plan for hiring minorities, women and others.

Bruce Church, Inc., which held a blanket purchase agreement with the Defense Department, will have this contract cancelled and will not be eligible for any future contracts or extensions of existing contracts until it complies with three statutes administered by the Labor Department.

These statutes prohibit discrimination against minority group members, women, the handicapped and Vietnam-era and disabled veterans by firms having federal contracts of at least \$50,000.

Such firms must also have written affirmative action plans to provide for hiring these groups. The statutes are Executive Order 11246, Section 503 of the 1973 Rehabilitation Act, and the 1974 Vietnam-era Veterans' Readjustment Assistance Act.

The Church firm claimed it was not required to have an affirmative action plan.

The debarment order was signed by Secretary of Labor William E. Brock following a hearing before an administrative law judge.

The non-discrimination and affirmative action requirements for federal contractors are administered by the Office of Federal Contract Compliance Programs (OFCCP), an agency of the Labor Department's Employment Standards Administration, and cover the entire federal government.

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# News

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 87-296

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Tuesday, July 14, 1987

## COUNSELLOR TO ILLINOIS GOVERNOR NAMED TO HEAD AFFIRMATIVE ACTION AGENCY IN LABOR DEPARTMENT

Assistant Secretary of Labor Fred W. Alvarez today announced the appointment of Jerry D. Blakemore as director of the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP). Blakemore has served Governor Jim Thompson of Illinois in a number of important capacities including counsellor to the governor, deputy governor and legal counsel.

As OFCCP director, Blakemore will be responsible for enforcing requirements that firms with federal contracts not discriminate and that they take affirmative action to assure equal employment opportunity to minorities, women, Vietnam veterans and handicapped persons. OFCCP is part of the Employment Standards Administration, which Alvarez heads.

In commenting on the selection, Alvarez noted, "I'm delighted to have a person with Jerry's strong legal background and extensive administrative experience on our team. We are very lucky to coax someone so talented and with such a promising future out of such a critical state job. The Secretary and I view the mission of OFCCP as one of law enforcement and we feel that Jerry will contribute significantly to that mission."

Since 1985, Blakemore has served as deputy governor and legal counsel to Governor Thompson. As legal counsel, he has been responsible for legal representation of the governor and the state and for development of executive orders, intergovernmental and interagency agreements, and legislation at state and federal levels. Mr. Blakemore joined the governor's staff as assistant to the governor for health and human services in 1980. From 1980 to 1983, he served as the governor's liaison to the health and human service agencies where he was responsible for program and policy development as well as legislative review and analysis. In 1983, he was promoted to the governor's senior staff, serving as legal counsel to the governor and as director of the governor's Office of Citizens Assistance.

Blakemore is a 1976 graduate of Princeton University. In 1980, he received his law degree from John Marshall Law School in his native Chicago.

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Upon his acceptance of the appointment, Blakemore said, "I look forward to contributing my legal and administrative experience to the vigorous enforcement effort that Secretary Brock and Assistant Secretary Alvarez have outlined for OFCCP. I'm flattered that they have invited me to join the department in this important area of enforcement."

Len Biermann, a long-time OFCCP official and acting director since January 1987, will serve as deputy director.

OFCCP is charged with enforcement of Executive Order 11246, Section 503 of the Rehabilitation Act of 1973 and the Vietnam-era Veterans' Readjustment Assistance Act of 1974.

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LI.79: 87-296 (item 771-F)



# News

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 87-305

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: 3:30 p.m.(EDT)  
Tuesday, July 21, 1987

## FIVE FEDERAL CONTRACTORS RECOGNIZED FOR VOLUNTARY AFFIRMATIVE ACTION INITIATIVES

Assistant Secretary for Employment Standards Fred W. Alvarez today recognized five federal contractors for the development of creative approaches to their affirmative action obligations.

The five recipients of the U.S. Department of Labor's 1986 Exemplary Voluntary Effort (EVE) awards are:

- Hallmark Cards, Inc., Kansas City, Mo., Irvine O. Hockaday, Jr., president and chief executive officer. For training and financing minorities to become entrepreneurs and for funding literacy programs to help inner-city youth.
- James Peterson & Sons, Inc., Medford, Wisc., John M. Peterson, president. For commitment to recruiting, training and promoting Native Americans and women for nontraditional jobs in the construction industry.
- Pharmaseal, Inc., Toa Alta, P.R., Division of Travenol Laboratories, Inc., Vernon Loucks, president and chief executive officer, and Ervin Portman, plant manager. For enhancing upward mobility for women and individuals with handicaps and for training high school and college students.
- Scott Paper Company, Philadelphia, Pa., Philip E. Lippincott, chairman and chief executive officer. For developing comprehensive and systematic approaches for dealing with problems of unemployment and illiteracy.
- Xerox Corporation, Stamford, Conn., David T. Kearns, chairman and chief executive officer. For funding programs designed to enhance the employability of minorities, women and individuals with handicaps, especially the blind, and for supporting community programs to train teenagers.

In presenting the 1986 EVE awards, Alvarez commended the five companies for their "innovative programs which recognized that the changing workforce and workplace are placing new demands on our imagination as we strive for utilization of the talents and skills of our human resources.

(more)



"The workplace dynamics we can project make clear that innovative and effective affirmative action strategies can make concrete contributions to the challenges we know are coming."

The EVE awards, initiated by the Labor Department's Office of Federal Contract Compliance Programs (OFCCP) in 1983, require that nominees exhibit outstanding and innovative efforts in implementing affirmative action initiatives of outreach and recruitment designed to increase opportunities for minorities, women, individuals with handicaps, and Vietnam-era or disabled veterans.

The OFCCP enforces federal requirements that federal contractors take affirmative action to ensure equal employment opportunity exists for all employees without regard to their race, color, religion, sex, national origin, handicap or status as a Vietnam-era or disabled veteran.

OFCCP is an agency within the Employment Standards Administration.

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# News

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 87-376

CONTACT: ROBERT ZACHARIAS  
OFFICE: (202)523-8743

FOR RELEASE: Immediate  
Monday, August 31, 1987

## LABOR DEPARTMENT AND HUDSON OIL AND AFFILIATED COMPANIES TRUSTEE AGREE TO \$6.8 MILLION SETTLEMENT IN RECORD WAGE AND HOUR CASE

Some 28,000 former service station employees of Hudson Oil and Affiliated Companies will receive up to \$6.8 million in settlement of the largest minimum wage and overtime pay recovery ever obtained from a private employer by the U.S. Department of Labor (DOL), Secretary William E. Brock announced today.

Since the firms currently are involved in a reorganization bankruptcy proceeding, Brock said the settlement requires approval of the federal Bankruptcy Court in Kansas.

"The real winners in this case are the workers, who will finally receive money due to them under the law," Secretary Brock said. "This is certainly a landmark case for the Department of Labor. But it also means that people who work hard to do their jobs can receive fair compensation for their labor."

The settlement will benefit workers formerly employed in some 237 service stations in 28 states.

The agreement culminated an extensive investigative and legal process. In October 1983, Judge Earl E. O'Connor of the U.S. District Court for the District of Kansas in Kansas City, ruled that Hudson Oil and its principal owner, Mary Hudson Vandegrift, failed to pay employees monies due them under the federal Fair Labor Standards Act (FLSA). Based upon this earlier ruling, the department today filed a proposed judgment for \$12.8 million.

The enforcement action was complicated by the large number of potential witnesses involved in the case and the poor recordkeeping within the companies. In an attempt to locate employees, some 15,000 letters were mailed and the DOL attorneys took depositions from almost 600 former Hudson workers throughout the country between 1979 and 1982. This process was used in lieu of personal testimony during the trial which began July 26, 1982, and lasted six days.

Judge O'Connor took the case under advisement and rendered a decision on October 14, 1983. In ruling for the department, Judge O'Connor decided:

- managers were not exempt from the overtime provision of the FLSA;
- cash and merchandise shortages had been wrongfully withheld from the wages of all service station attendants;
- all employees were not paid for time worked before and after their shifts.

In addition, Judge O'Connor held that as a result of these FLSA violations, all managers and attendants employed from July 1, 1974 through December 31, 1981 were due compensation for back wages. The court's decision provided that the formulas proposed by the DOL would be utilized in calculating individual payments.

Judge O'Connor then ordered the defendants to supply the necessary records for the department to calculate the amounts due and to provide this material to the court for rendering a specific back wage payment order. This process took the department approximately a year to complete.



In January 1984, and during this calculation process, the corporate defendants filed for reorganization and protection from creditors in U.S. Bankruptcy Court before Judge Benjamin E. Franklin. Immediately, Judge Franklin ordered removal of all major corporate officers and appointment of a trustee to manage the affairs of the firms involved. This complicated and extended the DOL lawsuit.

"By the settlement's terms, the department has two years to locate employees due back wages," Brock said. "At the conclusion of that time, the names, addresses, and amounts to be paid employees will be supplied to the defendants for distribution of checks. These monies will be secured by mortgages on real estate.

"Former employees who worked during the 1974-1981 period will benefit from this decision," Brock stated. "Judge O'Connor's ruling not only restores monies due many thousands of employees, but also enjoins Hudson Oil and Affiliated Companies from further violations of the FLSA."

Since the DOL does not have current addresses for most employees and needs to verify the identity of each individual, workers employed by Hudson from 1974-1981 are urged to write, not call, the Wage and Hour Division, Employment Standards Administration, P.O. Box 13643, Kansas City, Mo. 64199, giving their name, Social Security and telephone numbers, and current address.

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(Attachment A is an alphabetized listing of all the service station locations, by state and city, involved in the U.S. Department of Labor litigation with Hudson Oil and Affiliated Companies.)



ATTACHMENT A

The following is an alphabetized listing of all of the service station locations involved in the U.S. Department of Labor settlement with Hudson Oil and Affiliated Companies.

ALABAMA

<u>CITY</u>	<u>ADDRESS</u>	<u>COUNTY</u>	<u>STATION #</u>
Birmingham	1524 3rd Ave., West	Jefferson	41
Birmingham	9021 Parkway East	Jefferson	213
Daphne	Rt. 3, Box 342	Baldwin	17
Daphne	Rt. 3, Box 342	Baldwin	801
Decatur	1304 6th Ave., S.E.	Morgan	214
Mobile	2954 Hwy 90	Mobile	20
Mobile	4074 Moffat Rd.	Mobile	67
Mobile	2158 Dauphin Island Pkwy.	Mobile	154

ARIZONA

Phoenix	3401 E. McDowell	Maricopa	557
Phoenix	1950 Grand Ave.	Maricopa	559
Phoenix	3121 E. Washington	Maricopa	561
Phoenix	2601 N. 16th St.	Maricopa	569
Phoenix	6448 N. Indian School Rd.	Maricopa	579
Tucson	4550 E. Speedway	Pima	566
Tucson	5230 E. 22nd St.	Pima	572
Tucson	4460 So. 6th Ave.	Pima	590
Yuma	1825 4th Ave.	Pima	74

CALIFORNIA

Alhambra	17400 W. Valley Blvd.	Los Angeles	101
Anaheim	736 S. Beach Blvd.	Orange	76
Antioch	611 E. 18th St.	Contra Costa	92
Bakersfield	241 Union Ave.	Kern	302
Bakersfield	928 Flower Street	Kern	318
Broderick	500 C Street	Yolo	138
Buena Park	6812 Beach Blvd	Orange	118
Campbell	2380 S. Bascom	Santa Clara	21
Campbell	1550 Winchester	Santa Clara	85
Concord	4600 Clayton Rd.	Contra Costa	83
Costa Mesa	594 W. 19th St.	Orange	216
Covina	654 S. Citrus	Los Angeles	72
El Cajon	1277 E. Main	San Diego	313
Fair Oaks	4160 Sunrise	Sacramento	184
Fresno	3930 Blackstone	Fresno	301
Fresno	1390 N. Fresno Ave.	Fresno	310

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CALIFORNIA

<u>CITY</u>	<u>ADDRESS</u>	<u>COUNTY</u>	<u>STATION #</u>
Gilroy	8857 Monterey Hwy	Santa Clara	107
La Mesa	7454 University Ave.	San Diego	316
Los Angeles	4630 E. 3rd St.	Los Angeles	305
Marysville	1780 N. Beal Rd.	Yuba City	141
Morgan Hill	RFD 2, Box M119 US 101 & Kirley Rd.	Santa Clara	102
No. Highland	4800 Watt Ave.	Sacramento	183
Oildale	812 N. Chester Ave.	Kern	308
Orange	1474 Tustin Ave.	Orange	309
Orange	607 N. Tustin Ave.	Orange	311
Palo Alto	4230 El Camino Real	Santa Clara	82
Rancho Cordova	10801 Folsom Blvd	Sacramento	148
Redding	225 Cypress Blvd.	Shasta	174
Sacramento	3401 Marysville Rd.	Sacramento	80
Sacramento	6341 Folsom Blvd.	Sacramento	94
Sacramento	1801 Broadway	Sacramento	109
Sacramento	2235 Arden Way	Sacramento	186
San Diego	6701 El Cajon Blvd	San Diego	220
San Diego	2444 University Ave.	San Diego	317
San Diego	4707 Federal Blvd.	San Diego	314
San Jose	547 Keyes Street	Santa Clara	75
San Jose	2370 Alum Rock Ave.	Santa Clara	81
San Jose	437 W. San Carlos	Santa Clara	88
San Jose	1590 McKee Rd.	Santa Clara	99
San Jose	2985 Monterey Rd.	Santa Clara	103
San Jose	190 N. Bascom St.	Santa Clara	137
Santa Ana	302 E. 17th St.	Orange	114
Santa Ana	2102 S. Main	Orange	117
Santa Maria	2326 S. Broadway	Santa Barbara	124
Stockton	701 E. Charter Way	San Joaquin	68
Stockton	3120 N. Wilson Way	Yolo	79
Stockton	1901 S. El Dorado & 5	San Joaquin	106
Visalia	317 W. Noble	Tulare	319
Westminster	7641 Westminster Ave.	Orange	95
Yuba City	1245 Bridge St.	Sutter	89
Yuba City	2590 Buttehouse Rd.	Sutter	123

COLORADO

Aurora	16101 E. Colfax	Adams	147
Colorado Springs	1825 E. Platte	El Paso	182
Denver	845 Wadsworth Blvd	Jefferson	185
Denver	1745 Federal Blvd	Denver	190
Denver	1901 S. Santa Fe	Denver	194
Pueblo	1315 S. Prairie	Pueblo	121

(more)



FLORIDA

<u>CITY</u>	<u>ADDRESS</u>	<u>COUNTY</u>	<u>STATION #</u>
Boca Raton	7301 N. Federal Hwy	Palm Beach	597
Clear Water	3130 Gulf to Bay	Pinellas	582
Cocoa	1246 W. King St.	Broward	584
Cocoa	500 S. Cocoa Blvd.	Broward	588
Eau Gallie	1529 Harbour City Blvd	Brevard	49
Ft. Lauderdale	2801 W. Sunrise Blvd.	Brevard	573
Ft. Lauderdale	2045 W. State Rd.	Brevard	576
Ft. Myers	4126 Palm Beach Blvd	Lee	580
Jacksonville	5600 U.S. Hwy 1	Duval	586
Jacksonville	939 Arlington Rd.	Duval	587
Lantana	810 S. Dixie Hwy	Palm Beach	560
Miami	8485 N. 7th St.	Dade	554
Miami	6795 S. W. 40th St.	Dade	583
Orlando	5350 E. Colonial Dr.	Orange	574
Orlando	4885 W. Colonial Ave.	Orange	592
Panama City	726 W. 15th St.	Bay	33
Pensacola	4050 N. Pace Blvd	Escambia	27
Pinellas Park	8391 U.S.Hwy 19 N	Pinellas	164
Pompano Beach	2050 N. Federal Hwy	Broward	571
Port Orange	Rt. 2, Box 93	Volusia	168
St. Petersburg	1000 9th St., North St.	Pinellas	146
Tampa	2812 W. Kennedy Blvd	Hillsborough	549
Tampa	2501 N. Dale Mabry Hwy	Hillsborough	575
Tampa	6801 N. Armenia St.	Hillsborough	585
W. Palm Beach	511 Southern Blvd	Palm Beach	581

GEORGIA

Atlanta	4271 Buford Hwy	DeKalb	39
Atlanta	1181 McPherson Ave., SE	DeKalb	179
Conley	3437 Moreland Ave.	DeKalb	180
College Park	3447 Main	Fulton	215
Decatur	3931 Glenwood Rd.	DeKalb	163
Jonesboro	7197 S. Tara Blvd.	Clayton	40
Smyrna	1820 Atlanta Rd. S.W.	Cobb	161

ILLINOIS

Chicago	3020 Belvidere (Waukegan)	Lake	64
East Dundee	164 S. Dundee Ave.	Kane	125
Joliet	2505 W. Jefferson	Will	126
Kankakee	Rt. 3, Box 386	Kankakee	57
Springfield	2917 S. MacArthur	Sangamon	127

(more)



INDIANA

<u>CITY</u>	<u>ADDRESS</u>	<u>COUNTY</u>	<u>STATION #</u>
El khart	2819 Cassapolis	El khart	54
Gary	1401 W. Ridge Rd.	Lake	46
Ko komo	2820 S. Washington St.	Howard	65
Muncie	1915 S. Madison	Delaware	66
Muncie	720 N. Broadway	Delaware	160
Terre Haute	2259 Lafayette Ave.	Vigo	159

IOWA

Des Moines	908 S.E. 14th St.	Pol k	11
Sioux City	1304 Lewis Blvd.	Woodbury	13

KANSAS

Kansas City	5568 Leavenworth Rd.	Wyandotte	8
Kansas City	1200 Central Ave.	Wyandotte	418
Overland Park	7620 Metclaf	Johnson	14
Roeland Park	4050 Johnson Dr.	Johnson	142
Prairie Village	8839 Roe	Johnson	121
Shawnee	10306 W. 63rd	Shawnee	132
Tope ka	3101 S. Tope ka	Shawnee	9
Tope ka	1409 N. Tope ka	Shawnee	10
Wichita	3341 N. Broadway	Sedgwick	6
Wichita	2337 S. Broadway	Sedgwick	1
Wichita	5805 E. Kellog	Sedgwick	7
Wichita	6400 U.S. Hwy 54 E.	Sedgwick	19

KENTUCKY

Louisville	4154 Bardstown Rd.	Jefferson	69
Paducah	1730 Kentucky Ave.	McCracken	47
Paducah	1701 S. Irvin Cobb Dr.	McCracken	116

LOUISIANA

Lafayette	4418 Johnson St.	Lafayette	130
Metairie	6711 Airline Hwy.	Jefferson Parish	16
New Orleans	7126 Chef Menteur Hwy.	Parish of Orleans	26

MARYLAND

Baltimore	6038 Baltimore Natl. Park	Baltimore	568
Hagerstown	1550 Jefferson Blvd.	Washington	595
LaVale	1301 National Hwy.	Allegany	558

(more)

MICHIGAN

<u>CITY</u>	<u>ADDRESS</u>	<u>COUNTY</u>	<u>STATION #</u>
Battle Creek	1550 W. Michigan	Calhoun	209
Kalamazoo	1923 W. Main St.	Kalamazoo	208
Lansing	5208 S. Saginaw Hwy.	Eaton	87
Lansing	5720 S. Cedar	Ingham	113
Lansing	3604 N.E. St.	Clinton	119
E. Lansing	2667 E. Grand River	Ingham	120
Warren	1372 Van Dyke	Macomb	45
Wyoming	1717 28th St.	Kent	91

MINNESOTA

Minneapolis	3228 E. Lake St.	Hennepin	43
Minneapolis	5532 Lyndale Ave. S.	Hennepin	129
St. Paul	3470 Rice St.	Ramsey	71

MISSISSIPPI

Long Beach	U.S. Hwy. 90 Markham Dr.	Harrison	35
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MISSOURI

Grandview	12630 Hwy. 71	Jackson	578
Independence	9935 Truman Rd.	Jackson	15
Independence	10711 Independence Ave.	Jackson	551
Kansas City	4219 Truman Rd.	Jackson	2
Kansas City	4815 Independence Ave.	Jackson	4
Kansas City	1314 Westport Rd.	Jackson	401
Kansas City	3242 Main St.	Jackson	404
Kansas City	2601 Chouteau Trfwy	Clay	556
Kansas City	6701 Blue Ridge	Jackson	563
Kansas City	8809 U.S. Hwy 50 East	Jackson	565
St. Louis	9653 St. Charles Rock	St. Louis	550
St. Louis	8835 Natural Bridge	St. Louis	552

NEBRASKA

Grand Island	U.S. Hwy. 30 W. RR 1	Hall	63
Hastings	309 S. Elm Ave.	Adams	61
Norfolk	800 Norfolk Ave.	Madison	5
Omaha	3020 Ames Ave.	Douglas	408

NEVADA

Carson City	1201 N. Carson Blvd.	Carson City	589
Clark	2401 Tonopah Hwy.	Clark	136
N. Las Vegas	Las Vegas Blvd.	Clark	570
Sparks	1750 B Sreet	Washoe	577

(more)

NEW YORK

<u>CITY</u>	<u>ADDRESS</u>	<u>COUNTY</u>	<u>STATION #</u>
Cortland	178 N. Homer Ave.	Cortland	416
Depew	3106 Walden Ave.	Erie	133
Jamestown	575 Fairmont Ave.	Chautaugua	419
Johnson City	283 Harry L. Dr.	Broome	193
Manlius	218 E. Seneca St.	Onondaga	191
Syracuse	745 Hiawatha Blvd.	Onondaga	415
New York Mills	6 New Hartford St.	Oneida	192
Rochester	1640 Clifford Ave.	Monroe	412
Seneca Falls	Rt. 1, Box 24A	Seneca	197
Syracuse	760 S. Bay Rd.	Onondaga	417

OHIO

Columbus	3534 Cleveland Ave.	Franklin	171
Dayton	2145 Needmore Rd.	Montgomery	210
Heath	759 Herbon Rd.	Licking	211
Newark	814 Mt. Vernon Rd.	Licking	198
Strongsville	8952 Pearl Rd.	Cuyahoga	155
Toledo	1151 S. Reynolds	Lucas	156

OREGON

Beaverton	13745 N.W. Taulatin Hwy.	Washington	128
Eugene	1325 Hwy. 99 N.	Lane	37
Milwau kee	17185 S. E. McLaughlin Blvd.	Clackamas	105
Portland	3120 N.E. 82nd	Multnomah	24
Portland	11214 S.E. Powell	Multnomah	96
Portland	1710 S.E. Tacoma St.	Multnomah	112
Portland	16223 S.E. Division	Multnomah	122
Portland	10580 S.E. 82nd St.	Clackamas	131
Portland	9050 Barbur Blvd. & 30th Ave.	Multnomah	152
Salem	3510 N. River Rd.	Marion	104
Springfield	3650 Main St.	Lane	98
Tigard	13702 S.W. Pacific Hwy.	Multnomah	23

PENNSYLVANIA

Chambersburg	2013 Lincoln Way E.	Franklin	178
Emmaus	608 State Ave.	Lehigh	53
Johnstown	1114 Scalp Ave. Hwy. 56	Cambria	158
Lancaster	1230 Harrisburg Pike	Lancaster	42
Malvern	245 Lancaster Park	Chester	51
N. Wales	RFD 1, Bethlehem Park	Montgomery	52
Waynesboro	P.O. Box 323 (Rouzerville)	Washington	50

(more)



TENNESSEE

<u>CITY</u>	<u>ADDRESS</u>	<u>COUNTY</u>	<u>STATION #</u>
Chattanooga	4766 58 Hwy. No.	Hamilton	407
Chattanooga	5910 Lee Hwy.	Hamilton	409
Knoxville	Clinton Hwy. & Murray Dr.	Knox	411
Nashville	4317 19 Nolenville Rd.	Davidson	410

VIRGINIA

Alexandria	7322 Richmond Hwy.	Fairfax	144
Fairfax	10801 Lee Hwy.	Fairfax	403
Norfolk	2635 Tidewater Dr.	Norfolk	406

WASHINGTON

Everett	13528 Hwy. 99	Snohomish	111
Everett	1530 Broadway	Snohomish	203
Everett	4031 Rucker Ave.	Snohomish	204
Lake City	15030 Bothell	King	36
Lynwood	21525 Hwy. 99 N.	Snohomish	97
Marysville	1124 4th St.	Snohomish	207
Seattle	19019 Pacific Hwy. S.	King	38
Seattle	12808 Des Moines Way S.	King	199
Seattle	7500 24 Empire Way S.	King	205
Seattle	4151 Fauntleroy Way, S.W.	King	206
Seattle	101 N.E. 50th St.	King	207
Pierce	3115 6th Ave.	Snohomish	200

WEST VIRGINIA

Martinsburg	1203 N. Queen St.	Berkeley	3
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WISCONSIN

Appleton	3641 W. College	Outagamie	32
Appleton	1500 W. Wisconsin Blvd.	Outagamie	143
Brookfield	12730 W. Capitol Dr.	Waukesha	25
Eau Claire	1639 Harding Ave.	Eau Claire	55
Green Bay	1488 W. Mason	Brown	31
Hales Corners	9677 S. 27th St.	Milwaukee	28
Kenosha	5210 75th St.	Kenosha	30
Milwaukee	3155 S. 76th St.	Milwaukee	34
Waukesha	21461 U.S. Hwy. 18 W.	Waukesha	29
West Allis	911 S. 108th	Milwaukee	195

# # #



# News

United States  
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Office of Information

Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 87-401

CONTACT: ROBERT ZACHARIAS  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Friday, September 18, 1987

## MANUEL J. VILLARREAL JR. NAMED TO WAGE-HOUR POST

Manuel Jose (Joe) Villarreal Jr., a veteran of 23 years in the field service of the Wage and Hour Division, has become one of the highest ranking Hispanics in the Employment Standards Administration.

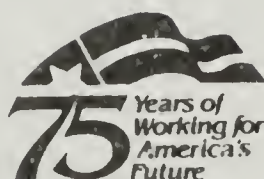
In announcing his appointment as deputy assistant administrator for program operations, Wage and Hour Administrator Paula V. Smith noted his long record as an enforcement officer. She said, "Villarreal's field experience combined with his administrative background in the national office makes him exceptionally qualified for this important position."

Villarreal, a native of Laredo, Tex., went to work in the New Orleans wage and hour office in 1961 as a compliance officer immediately following his graduation from Texas A&M University, where he earned a bachelor of business administration degree in accounting.

He held similar positions in Corpus Christi, Laredo and Brownsville before becoming assistant area director in El Paso in 1974. After three years he became area director in San Antonio. He then left the Dallas region, moving up in 1980 to assistant regional administrator for wage-hour in the Kansas City region. In 1984, he transferred to the national office in Washington as director of the Division of Planning and Review in charge of administration, management and support services for Wage-Hour.

Villarreal has received numerous awards for achievement.

Villarreal is married and has three sons.





L1.79: 87-401 (item 771-F)

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# News

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Office of Information

Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 87-431

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Wednesday, October 7, 1987

## MINIMUM WAGE RATES TO RISE IN AMERICAN SAMOA

Higher minimum wage rates will go into effect today for certain industries in American Samoa, Paula V. Smith, Labor Department wage and hour administrator, announced.

The minimum wage rate increases are a result of recommendations of a special industry committee appointed by Secretary of Labor William E. Brock under provisions of the Fair Labor Standards Act (FLSA). The committee consisted of six members representing employers, employees and the public sector.

The FLSA provides for special industry committees which are appointed by the Secretary of Labor to meet in American Samoa and determine what minimum wage rates should apply to covered industries in lieu of the automatic application of the mainland minimum rate of \$3.35 an hour.

An industry committee met in Pago Pago, American Samoa, in June 1987 and recommended increases in minimum wage rates for some industries. These wage rate increases were in most cases 10 cents an hour effective October 7, 1987 with an additional increase of 10 cents effective one year later.

The special wage rates for American Samoa, which are lower than the federal minimum wage for the mainland U.S., are established under authority of the 1956 amendments to the FLSA. These amendments extended the act's coverage to Samoa and adopted the industry committee procedure for determining the rates.

Under this procedure, the committee is convened at least once every two years to review the rates. The objective is to raise the rates to the mainland level as rapidly as is economically feasible without reducing job opportunities.

Following are the old and new rates:

<u>Coverage Classification</u>	<u>Old rate</u>	<u>10-7- 87</u>	<u>10-7-88</u>
Fish canning and processing and can manufacturing	\$2.82	\$2.82	\$2.82
Shipping and transportation Classification A-Stevedoring, Lighterage, and maritime shipping agency	2.80	2.90	3.00

LI, 79; 87-431 (item 771-F)

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Classification B - All other shipping and transportation activities	2.67	2.75	2.85
Tour and travel services	2.35	2.35	2.35
Petroleum marketing	2.80	2.80	2.80
Construction	2.38	2.50	2.60
Retailing, wholesaling	2.05	2.15	2.25
Bottling and dairy products	\$2.04	\$2.15	\$2.25
Printing and publishing	2.31	2.40	2.50
Finance and insurance	2.56	2.61	2.71
Ship Maintenance	1.85	2.50	2.50
Hotel	1.77	1.85	1.95
Private hospitals and educational institutions	1.84	1.84	1.84
Miscellaneous activities (includes traditional government activities)	1.85	1.85	1.85
Government employment (Business operations, non-traditional activities)	1.97	1.97	1.97

For further information contact Paula V. Smith, Wage-Hour Administrator, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S3502, Washington, D.C. 20210. Telephone 202-523-8305.



# News

United States  
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Office of Information

Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 87-438

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Friday, October 9, 1987

## CLEVELAND MAN SENTENCED TO FOUR MONTH PRISON TERM IN CONNECTION WITH ILLEGAL PREVAILING WAGE UNDERPAYMENTS

Robert R. Thompson, 58, owner of TomRob, Inc., a Cleveland, Oh., construction company, has been sentenced to four months imprisonment, three years probation, and \$11,000 in fines for submitting false payroll certification forms on federally financed construction projects. In addition, he was ordered to pay \$81,115 in back wages for not paying the specified prevailing wage as required by the Davis-Bacon and Related Acts.

Fred W. Alvarez, assistant secretary of labor for employment standards, the agency responsible for enforcement of federal prevailing wage laws, called the sentencing a warning to federal contractors across the country. "We are not going to tolerate violations of federal law in this or any other area over which we have jurisdiction," he said. "Federal contractors are warned that the laws designed to protect the rights of working people are not to be taken lightly." Alvarez also praised the work of Patrick M. McLaughlin, U.S. Attorney for the Northern District of Ohio, whose office prosecuted the case.

Thompson had entered guilty pleas on behalf of himself and TomRob, Inc. on Jan. 20, 1987, to a ten-count indictment charging Thompson and his firm with one count of mail fraud and nine counts of submitting false documents to the Government. These counts charged Thompson and TomRob, Inc., with the submission of false payroll certification forms to the U.S. Department of Housing and Urban Development. The fraudulent forms indicated that the construction company's employees working on government-financed construction projects in Kent and Cleveland, Oh., were paid the prevailing wage when, in fact, these employees had been paid substantially less than the prevailing wage listed on the payroll forms.

The prevailing wage rates are established by the U.S. Department of Labor for various job classifications, and were made part of the construction contracts which Thompson and TomRob had entered into with these government agencies. On April 30, 1987, the defendants also entered guilty pleas to a two-count information charging them with submitting a false payroll certification form which omitted the names and wages of employees, where the wages were substantially less than the prevailing wage, in connection with the Superior Terrace and Oakwood Village projects in Cleveland.

- more -

The defendant was allowed to remain out on bond and was ordered to report to the Office of the U.S. Marshal on Oct. 19 to commence serving his sentence; he has six months from the date of sentencing to pay the fines.

The Labor Department's Wage and Hour Division, the Inspector General's Office of the Labor Department and the FBI investigated the case. The case was prosecuted by Assistant United States Attorney Christian H. Stickan.

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L1,79; 87-438 (item 771f)



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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 87-450

CONTACT: ROBERT ZACHARIAS  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Friday, October 16, 1987

## COMMENT PERIOD EXTENDED ON PROPOSED RULE FOR DAVIS-BACON PREVAILING WAGE STANDARDS

The Labor Department has decided to extend the comment period on the proposed rule on the use of semi-skilled "helpers" on federally financed and assisted construction contracts subject to the prevailing wage standards of the Davis-Bacon and Related Acts.

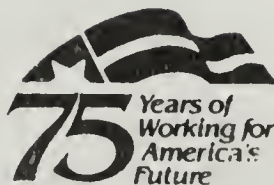
The original deadline of Oct. 19, 1987, will be extended 30 days until Nov. 18, 1987, to accommodate full public response to the proposal's options and to provide for detailed supporting information, according to Paula V. Smith, administrator of the wage and hour division.

The proposed rule appeared in the Federal Register of Aug. 19, 1987, providing for a 60-day comment period.

As proposed, the rule would permit contractors to expand their use of semi-skilled classifications of helpers on Davis-Bacon projects if the use of a helper classification is a prevailing practice on construction projects in the area.

Written comments should be submitted to Paula V. Smith, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

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LI.79: 87-450 (item 771-f)

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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 87-461

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Thursday, October 22, 1987

## OFCCP REINSTATES BRUCE CHURCH INC. AS FEDERAL CONTRACT BIDDER

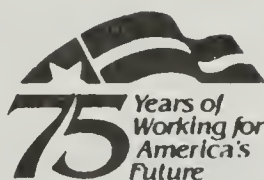
Bruce Church, Inc., a Salinas, Calif. grower that was debarred from bidding on federal contracts, has been reinstated as an eligible bidder by the Office of Federal Contract Compliance Programs (OFCCP).

Church, which was debarred June 30 under an order signed by Labor Secretary William E. Brock after an administrative law judge's hearing, has now come into compliance, OFCCP Director Jerry D. Blakemore announced.

The Church firm held Defense Department contracts which were cancelled when the firm claimed it was not required to maintain written affirmative action plans. Firms having federal contracts of at least \$50,000 must comply. The affirmative action and equal employment opportunity requirements for federal contractors are mandated under two statutes and one executive order enforced by OFCCP.

The reinstatement is effective October 13, 1987.

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L1.79:87-461 (item 771-F)

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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL : 87-538

CONTACT: LINDA TAVLJN  
OFFICE: 202/523-8743

FOR RELEASE: Immediate  
Friday, December 4, 1987

## ALAN C. McMILLAN NAMED CAREER DEPUTY ASSISTANT SECRETARY TO LABOR DEPARTMENT'S EMPLOYMENT STANDARDS ADMINISTRATION

Assistant Secretary of Labor for Employment Standards Fred W. Alvarez today announced the appointment of Alan C. McMillan as deputy assistant secretary.

In that capacity, McMillan will work closely with the assistant secretary in directing activities of the Employment Standards Administration (ESA). The agency, which has over 4,000 employees, is the largest in the Department of Labor. It is comprised of the Wage and Hour Division, the Office of Federal Contract Compliance Programs and the Office of Workers' Compensation Programs.

McMillan will occupy one of two deputy assistant secretary positions in ESA. He will focus primarily on policy development issues for the three national programs comprising ESA; the other career deputy focuses primarily on operations and management issues.

"Alan's proven and recognized capability in operating the important and highly visible OSHA and MSHA programs makes him an excellent choice to assist in management of ESA's numerous areas of responsibility," said Alvarez. "Alan has a solid enforcement record in his two previous assignments. I am delighted that he has chosen to join the ESA team at a time when we are focusing on building up our enforcement and service capabilities."

Immediately prior to his appointment, McMillan served as acting assistant secretary of labor with the Mine Safety and Health Administration (MSHA) where he was responsible for ensuring the health and safety of nearly half a million workers at more than 18,000 mines and mineral processing plants.

From July 1, 1983 until his January 1987 appointment to MSHA, McMillan headed the Occupational Safety and Health Administration (OSHA) for the eight-state Southeastern region.

A federal employee since 1966, McMillan served as OSHA regional administrator in Chicago from 1980-83, and as assistant regional administrator in Atlanta from 1976-80.

He has also been an OSHA management officer in Atlanta, 1973-76, and a personnel officer for the Labor Department in Atlanta, 1970-73. He began his federal career at Eglin Air Force Base, Fla., after working as a field marketing representative for the Colgate-Palmolive Company.

Born in 1942 in Pensacola, Fla., McMillan earned a Bachelor of Science degree from the University of Florida in 1966 and a master's degree from West Georgia College in 1979. In 1980, he completed an executive fellowship at Harvard University and was selected for the Senior Executive Service in the Labor Department.

McMillan is married to the former Gloria Quinn. He is the father of three children; Alan Jr., 20, Susan, 18, and Preston, 14.

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# News

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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 87-566

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Thursday, December 24, 1987

## 20,000 CONVENIENCE STORE EMPLOYEES TO RECEIVE \$4.4 MILLION IN BACK WAGES

Some 20,000 present and former employees of a New Jersey dairy and convenience store chain will share \$4.4 million in back wages under a Federal Court consent judgment announced today by the U.S. Department of Labor.

Fred W. Alvarez, head of the Labor Department's Employment Standards Administration (ESA), said the judgment was signed by Federal Judge Robert E. Cowen against Dairy Stores, Inc., also doing business as Krauszer's, Garden State Farms, Hubbard's Cupboard and Somerset Farms.

Alvarez further said the corporation with headquarters in Edison, N.J., has agreed to notify those eligible to share in the \$4.4 million.

Alvarez further noted that this type of enforcement action is the result of diligence and persistence by ESA field staff.

The Labor Department charged in a suit filed in the U.S. District Court for the District of New Jersey April 14, 1982 that the company had violated the minimum wage, overtime pay and recordkeeping requirements of the Fair Labor Standards Act since at least 1979.

The Act requires payment of a minimum wage of \$3.35 an hour and overtime at time-and-a-half an employee's regular rate after 40 hours in a workweek. Employers are also required to keep adequate time and payroll records.

Judge Cowen's order prohibits the defendants from future violations of the minimum wage, overtime and recordkeeping requirements.

Filing of the case followed an investigation by ESA's Wage and Hour Division area offices at 971 Broad Street, Newark, and 3131 Princeton Pike, Lawrenceville, N.J.

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L1,79:87-566 (item 771-F)

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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL; 88-9

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Thursday, January 14, 1988

## LABOR DEPARTMENT TO STREAMLINE AFFIRMATIVE ACTION ENFORCEMENT

The Department of Labor announced today the issuance of two policy directives which are intended to improve the agency's ability to initiate appropriate enforcement actions. The directives, issued by the Office of Federal Contract Compliance Programs (OFCCP), are a result of the Employment Standards Administration's (ESA) increased focus on promoting firm, impartial and professional enforcement.

In making the announcement Assistant Secretary of Labor for Employment Standards Fred W. Alvarez said, "Affirmative action has accomplished much to broaden opportunities for many who have not had an opportunity to participate fully in the workplace and will play an even greater role in the years ahead as employers search for ways to compete effectively with changing workforce demographics.

"We acknowledge the creative efforts that many federal contractors are undertaking, but we must be prepared to enforce our equal opportunity and affirmative action obligations fully in those instances where employers do not take those obligations seriously."

OFCCP is issuing the two directives which will eliminate unnecessary delays in the enforcement process. The first directive will give Assistant Regional Administrators (ARAs) additional authority to sign all conciliation agreements except those involving new issues, which will be reviewed by the National Office. The second directive will remove the requirement that ARAs personally attempt conciliation before preparing any enforcement recommendation.

Executive Order 11246, which established affirmative action requirements for federal contractors, was issued in 1965. OFCCP, within ESA, is responsible for the enforcement of the order, and the affirmative action sections of the Rehabilitation Act of 1973 and the Vietnam-era Veterans Readjustment Assistance Act.

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# News

United States  
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Washington, D.C. 20210

CONTACT: Chriss Winston  
OFFICE: 202/523-9711  
HOME: 703/532-6254

USDL: 88-14  
FOR RELEASE: Immediate  
Friday, January 15, 1988

## STATEMENT BY SECRETARY McLAUGHLIN

Today's report by the Bureau of Labor Statistics clearly shows that while progress has been made in improving the availability of child care in this country, dramatic need still exists.

Child care is a complicated issue. But the demographics of the work force clearly demonstrate that as more and more women enter the work force, it will fast become one of the front burner issues of the decade; and with that trend expected to continue, the demand for child care will grow.

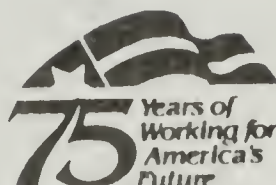
We know that cooperation is critical -- cooperation among employers, employees, and unions and cooperation between government at all levels and the private sector.

I have appointed an internal Department of Labor child care task force because it is an economic issue affecting our nation's competitiveness and the ability of business and labor to be productive.

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L1,79,88-9 (item 771-F)

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MINE SAFETY AND HEALTH ADMINISTRATION

USDL: 88-18

CONTACT: TOM BROWN  
OFFICE: (703) 235-1452  
HOME: (301) 299-9178

FOR RELEASE: IMMEDIATE  
Friday, January 15, 1988

## ADVISORY COMMITTEE WILL REVIEW REGULATIONS FOR DIESEL-POWERED EQUIPMENT IN UNDERGROUND COAL MINES.

A recently established advisory committee will begin meeting in Arlington, Va., Jan. 19 to review standards and regulations related to the approval and use of diesel-powered equipment in underground coal mines, the Labor Department's Mine Safety and Health Administration (MSHA) has announced.

The nine-member committee, established to advise the secretary of labor and make recommendations on diesel-related safety and health standards and regulations, includes two industry and two labor representatives and five neutral members. Advisory committee members were selected on the basis of their experience and knowledge in the mine safety and health field.

The members are J. W. Branter of Columbus, Ohio, and Glenn Allen Zumwalt of Fountain Green, Utah, representing industry; Thomas J. Rabbit of New Salem, Pa., and James L. Weeks of Silver Spring, Md., representing labor, as well as Dr. Mary Jo Jacobs of Glenwood Springs, Colo., John H. Johnson, of Houghton, Mich., Dr. Roger O. McClellan of Albuquerque, N.M., Gordon M. Miner of Phoenix, Ariz., and Dr. Robert Keith Wilson of Houston, Texas. R. V. Ramani of University Park, Pa., is an alternate.

Diesel-powered equipment has been used increasingly in underground mines during the past 10 years. MSHA does not have standards or regulations that apply to diesel equipment in underground coal mines. The agency's existing regulations, Part 36, Title 30, Code of Federal Regulations, address diesel-powered machines in gassy non-coal mines. MSHA encourages underground coal mine operators to use equipment approved under Part 36; however, equipment without explosion-proof features is being used.

The internal-combustion engines of diesel-powered equipment present possible serious fire and explosion hazards and equipment must be specially designed to protect against these hazards. In addition, the combustion products of diesel engines must be treated to reduce to acceptable levels potentially harmful airborne contaminants that could endanger the health of miners when released into the atmosphere.

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The committee, named the Advisory Committee on Standards and Regulations for Diesel-Powered Equipment in Underground Coal Mines, will provide collective expertise to address the complex issues involved and will advise the Department of Labor of its recommendations within 180 days.

Additional information may be obtained by contacting the MSHA Office of Standards, Regulations and Variances, 4015 Wilson Blvd., Arlington, Va., 22203, or phone (703) 235-1452.

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OFFICE OF INSPECTOR GENERAL, OFFICE OF LABOR RACKETEERING  
USDL: 88-20

- CONTACT: Lawrence G. Mullins  
Special Agent-in-Charge  
617/647-8888

FOR IMMEDIATE RELEASE  
Wednesday, January 20, 1988

## NEW BEDFORD FISHERIES FIRM AND OFFICER PLEAD GUILTY IN BENEFIT PLAN FRAUD

Roy Enoksen, president of Eastern Fisheries, Inc., of New Bedford, Mass., and the firm pled guilty on January 11 to a one count criminal information charging them with making and submitting false statements to the New Bedford Fisherman's Health and Welfare and Pension Funds in reports required by the Employee Retirement Income Security Act (ERISA). The charges had been filed November 16 by the U.S. Attorney in Massachusetts.

According to Lawrence G. Mullins, special agent-in-charge of the U.S. Department of Labor's Office of Labor Racketeering in Boston, Enoksen, who was also a management trustee of the Funds, and the firm had been charged with filing eight separate false reports with the Funds during 1984 and 1985. These reports had concealed more than \$10,000 in sales generated by catches from the fishing vessel Friendship. As a result, the Funds were unable to collect the full amount of required employer contributions. The normal contribution should have been 5 percent of the vessel's gross sales from each sailing.

The Office of Labor Racketeering investigation discovered that Enoksen and his company failed to report more than \$315,000 in income earned by their union and non-union fishing vessels between 1983 and 1986. This money was cash received from the sale of fish to fish buyers operating out of the Eastern Fisheries processing plant in New Bedford. The cash was used to pay the crew of Enoksen's union and non-union boats. Of the unreported income, \$150,000 came from union boats. As a result, the Funds were deprived of over \$7,500 in contributions owed to them.

Enoksen was sentenced to a one year suspended sentence, two years' probation, and fined \$1,000. As part of his plea agreement, he has had to reimburse, with interest, the money he owed the Funds. He must also file amended federal and state tax returns for himself and for the company and pay additional taxes and penalties.

(more)

The New Bedford Fisherman's Union has about 2,300 members throughout the State. Members of this union, in turn, are affiliated with either Teamsters Local 59 or the International Seafarers Union, and are covered by the New Bedford Fisherman's Health and Welfare Fund and the New Bedford Fisherman's Pension Fund.

This case is a continuation of a long term investigation of the New Bedford fishing industry by the Office of Labor Racketeering.

# # #



# News

United States  
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of Labor



Office of Information

Washington, D.C. 20210

PENSION & WELFARE BENEFITS ADMINISTRATION USDL: 88-21

CONTACT: GLORIA DELLA  
OFFICE: (202) 523-8921

FOR RELEASE: Immediate  
Friday, January 22, 1988

## LABOR DEPARTMENT OBTAINS JUDGMENT AGAINST OFFICIALS OF LOUISVILLE PENSION PLAN

The U.S. Department of Labor has obtained a court judgment requiring officials of the now-defunct Lerco Corporation of Louisville, Ky., to distribute the assets of the company's pension plan to participants covered by the plan, in resolution of a civil complaint alleging violations of the Employee Retirement Income Security Act (ERISA).

The department's complaint, filed on Oct. 24, 1985, had alleged that Charles B. Jensen, Helen Jensen, Sylvester N. Price and Phil Campbell violated their fiduciary duties as trustees and members of the plan's savings committee by failing to collect delinquent contributions owed to the plan, using plan assets to pay fees to service providers which were the obligation of the firm, and failing to file for several years annual reports required by ERISA.

The complaint also had alleged that the Jensens and Price had failed to obtain fidelity bonding.

The judgment requires that defendants Charles B. Jensen and Price reallocate the funds to which they would have been entitled under the plan to the remaining participants. They also must take steps to cause the plan's bank custodian to make distributions to those participants.

The judgment also permanently enjoins the defendants from serving as fiduciaries to the Lerco Corporation pension plan and from serving in a fiduciary capacity to any plan governed by ERISA for 10 years.

Phil Campbell and Helen Jensen (now deceased) were dismissed as defendants in the case.

- more -

The judgment and stipulations were entered on Dec. 30 in the U.S. District Court for the Western District of Kentucky, Louisville Division. The court actions resulted from a civil investigation conducted by the Cincinnati Area Office of the Labor Department's Pension and Welfare Benefits Administration (PWBA).

# # # #

(Whitfield v. Jensen)  
Civil Action No. C-85-1000-L-A



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# News

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Office of Information

Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 88-75

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Wednesday, February 17, 1988

## FORESTRY WORKERS NOW COVERED BY MIGRANT LABOR LAW

Forestry workers are now covered by the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), it was announced today by Paula V. Smith, administrator of the U.S. Department of Labor's Wage and Hour Division.

A ruling that the act covers recruitment and transportation of migrant and seasonal labor for forestry work has been issued by the Ninth Circuit Court of Appeals, Smith said. The ruling affects forestry work throughout the United States.

The court ruling held that MSPA applies to "recruiting, soliciting, hiring, employing, furnishing or transporting any migrant or seasonal worker for all predominantly manual forestry work, including but not limited to tree planting, brush cleaning, precommercial tree thinning and forest fire fighting."

The ruling, in the form of an injunction issued in the case Bresgal vs. Brock, went into effect Jan. 7.

Smith said forestry contractors must register with the Department of Labor as farm labor contractors if they are involved in any of the activities listed in the court ruling.

Before referring workers to contractors for employment, state employment service (Job Service) offices are required to be sure that the contractors are registered with the department.

If the forestry contractors transport or house workers covered by the court ruling, they must abide by MSPA regulations governing these activities, according to Smith.

Registration forms may be obtained from any state employment service (Job Service) office or any office of the Wage and Hour Division. In addition to the registration forms, other forms must be completed by those transporting or housing workers.

Further information may be obtained from Wage and Hour Division offices throughout the nation, listed under Department of Labor in the U.S. government sections of local phone directories.



L1.79:88-75 (item 771-F)

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 88-82

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Thursday, February 18, 1988

## EMPLOYMENT STANDARDS ADMINISTRATION REQUESTS INCREASED BUDGET FOR FY1989 ENFORCEMENT ACTIVITIES

The Labor Department's Employment Standards Administration (ESA) 1989 budget will emphasize increased enforcement activities in a wide range of programs.

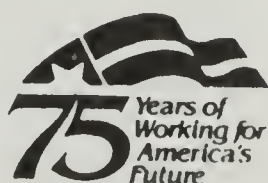
Assistant Secretary of Labor for Employment Standards Fred Alvarez said ESA will request \$245.2 million, an increase of \$8.8 million from the 1988 budget. He noted, "The agency's use of additional funding and employee resources will enable us to enhance our enforcement capabilities and improve services to the public."

In the Office of Federal Contract Compliance Programs (OFCCP), additional resources are requested to fund the development and implementation of a systematic comprehensive training program to improve investigative skills of OFCCP's enforcement staff and to ensure thorough understanding and consistent application of its regulations. The total budget requested is \$52.5 million compared to \$40.7 million available in FY 1988.

In the Wage and Hour Administration, the request calls for an increase of 43 positions to enhance enforcement and compliance activities under the Fair Labor Standards Act (FLSA) and the Immigration Reform and Control Act (IRCA) of 1986. Additional funds will be provided to replace and upgrade outdated equipment and to permit establishment of on-line automated data processing capability between the National Office and the field offices. The total budget for Wage and Hour is to be \$90.0 million compared to \$82.4 million available for FY 1988.

Under the Workers' Compensation Program, continued improvements will be made in processing claim adjustments, increased number of successful rehabilitations and debt management in the collection of overpayments with additional concentration in procurement, system development and testing of new support services systems.

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# News

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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 88-120

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Monday, March 14, 1988

## WILLIAM G. GROSS NAMED DEPUTY ASSISTANT ADMINISTRATOR WAGE AND HOUR DIVISION

William G. Gross was named deputy assistant administrator for program operations of the Wage and Hour Administration, it was announced today by Paula V. Smith, administrator.

Smith said, "The expertise that Gross brings to this field makes him a valuable asset to our program. His long record of experience combined with his administrative background in the national office makes him exceptionally qualified for this position."

In his new position, Gross will be responsible for providing assistance in the enforcement of wage and hour laws.

He began his career with the Department of Labor in 1974 as a wage-hour analyst and was promoted to chief of the branch of Service Contract Operation in 1979.

Prior to being named deputy assistant administrator, Gross spent one year in Vietnam while serving in the Army, from March 1968 to December 1971.

Gross obtained a B.A. in political science from Temple University in Philadelphia, where he graduated with honors in 1974.

He is a native of Altoona, Pa. and presently resides in Annandale, Va. with his wife and three children.

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L1.79; 88-120 (item 771-F)

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United States  
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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 88-127

CONTACT: LINDA TAVLIN  
OFFICE: 202/523-8743  
HOME: 703/920-9556

FOR RELEASE: Immediate  
Tuesday, March 15, 1988

## LABOR DEPARTMENT ISSUES DECISION ON 17-YEAR-OLD BUS DRIVERS

The Department of Labor has let stand its original decision of February 25 terminating 17-year-old bus drivers in North and South Carolina. However, it will extend the April 1 deadline to June 15 for certain student drivers and in certain counties and school districts in both states based on a commitment by the Governors to a transition to an all-adult school transportation system.

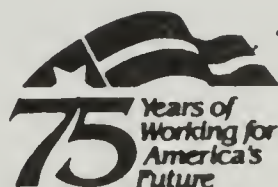
In making the announcement, Secretary of Labor Ann McLaughlin said, "I'm pleased the Governors and I have found a way to end the use of 17-year-old school bus drivers, once and for all."

Those counties and districts where the extensions will occur will only be those where the short-term transition to an all-adult school transportation system has raised concerns of decreased safety in trying to meet the April 1 deadline. The new deadline will apply only to approximately 12 out of 91 districts in South Carolina and approximately 41 out of 100 counties in North Carolina.

The Governors have guaranteed an all-adult transportation system after this school year. Those 17-year-olds who will be allowed to continue to drive until the June 15 termination date are those current 17-year-old drivers who meet all the Department's conditions and who will become 18 years of age before June 15 and those current 17-year-old drivers who meet all the Department's conditions who will not be 18 years of age before June 15 and who are employed only in the selected districts and counties. The Governors have further committed to the Department that they will ensure compliance with these conditions.

"Our first priority has always been the safety of the bus drivers and students they transport. Our agreement reflects that mutual concern," said Secretary McLaughlin.

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# News

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 88-135

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Monday, March 21, 1988

## SHELBY S. HALLMARK NAMED DIRECTOR OF OFFICE OF MANAGEMENT, ADMINISTRATION AND PLANNING

Shelby S. Hallmark has been named director of the Office of Management, Administration and Planning (OMAP) within the Labor Department's Employment Standards Administration (ESA).

In making the announcement, Assistant Secretary Fred W. Alvarez said, "Hallmark's proven capabilities in operating highly visible and complex programs make him an excellent choice to assume these responsibilities."

Hallmarks' responsibilities in his new position will be for the management, planning and administrative services in support of all ESA programs nationwide including federal employees' compensation, federal contract compliance and affirmative action, the minimum wage and hour laws, child labor standards, prevailing wage laws, and migrant and seasonal agricultural worker protections.

Prior to his selection, Hallmark served as acting deputy director for OMAP and as director of the Office of Workers' Compensation Programs' Division of Planning, Policy and Standards. From 1984 to 1986 he headed the Level II Federal Employees' Compensation System (FECS) automation project and its successor, the Federal Employees' Compensation Act (FECA) Data System Enhancement Project.

Hallmark came to ESA in 1980 as a management analyst in the Office of Administration and Management. During that period he helped develop the reorganizational plan that resulted in the formation of OMAP in 1982.

From 1974 to 1980, Hallmark worked with the Unemployment Insurance program of the District of Columbia.

Hallmark obtained a B.A. in history and philosophy, as well as an M.A. in Latin American Studies from the University of Texas.

He is married and has two sons, ages seven and ten.

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L 1.79: 88-135 (item 711-F)

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# News

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 88-136

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Tuesday, March 22, 1988

## JAMES W. GANTT APPOINTED DIRECTOR, DIVISION OF PLANNING AND REVIEW

Paula V. Smith, administrator for the Wage and Hour Division, today announced the appointment of James W. Gantt as director, Division of Planning and Review, Office of Policy, Planning and Review.

According to Smith, "Gantt brings to us a wealth of knowledge and experience in financial management, data processing and auditing. His expertise, proven and recognized capability in implementing wage-hour policies, makes him exceptionally qualified for this position."

Gantt will oversee the development and preparation of the Wage and Hour Division's long-range planning and budgetary strategies. In addition, his responsibilities cover the analysis, formulation, and monitoring of the implementation of compliance officer training programs. Gantt will also be responsible for the operation and maintenance of a wage and hour management information system and production of its management reports, and will serve as liaison with the Office of Management, Administration and Planning.

In 1968 Gantt began his career with the federal government as an accounting technician with the U.S. Department of the Navy. He later left government service from 1971 to 1973 to work as an accountant with the Commercial Credit Corporation.

From 1973 to 1975 he held positions as auditor and systems analyst for the Government of the District of Columbia. In 1975 he became auditor for wage and hour in the Division of Budget and Finance, predecessor of OMAP's Division of Financial Management.

In 1979 Jim Gantt became chief of the Branch of Program Operations. Following the 1981 reduction-in-force, Gantt was transferred to the Branch of Budget where he served as the budget analyst for the wage and hour program, in addition to duties as acting chief of the Branch of Budget.

Gantt served in the U.S. Air Force from 1958 to 1968, where he received training in computer programming.

In 1972 he graduated from the University of the District of Columbia with a B.S. in accounting.

A native of Manhattan, Ks. Gantt resides in Forestville, Md. with his wife and three children.

L1,79: 88-136 (item 771-F)

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EMPLOYMENT STANDARDS ADMINISTRATION

USDOL: 88-146

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Friday, March 25, 1988

## NANCY M. FLYNN APPOINTED DEPUTY ADMINISTRATOR OF WAGE-HOUR DIVISION

Nancy M. Flynn, an 18-year veteran of the Labor Department's Wage and Hour Division, will become the division's deputy administrator, Wage-Hour Administrator Paula V. Smith announced today.

Flynn began her career as an entry-level compliance officer in 1970 in Detroit.

"Nancy Flynn's diligence, hard work and long years of experience will be well utilized in the many tasks and decisions that encompass the wage-hour deputy position," Fred W. Alvarez, Assistant Secretary for Employment Standards, said in welcoming the announcement of Flynn's promotion.

As deputy administrator, Flynn will oversee the development of national policies and procedures, and will administer the national enforcement program for the Fair Labor Standards Act (FLSA), and various government contract wage laws, migrant and seasonal agricultural worker and immigration statutes and other laws establishing labor standards.

Since June 1987, Flynn had been serving as assistant administrator for program operations. Previously she served as assistant area director in the Troy, Mich. office, as area director in the Chicago north area office, and as deputy assistant regional administrator in Chicago. In 1982, she was named director for the division of minimum wage and hour standards in Washington, D.C. and later deputy assistant administrator. More recently, she served as acting division director for FLSA operations and for farm and child labor programs.

In 1986 Flynn was selected for a senior executive service candidate program, and the following year was acting assistant administrator for program operations. Her appointment is effective March 13, 1988.

A native of Kalamazoo, Mich., Flynn received a bachelor of science degree in political science, magna cum laude, from Western Michigan University, and earned a master's degree from the University of Michigan in 1970.

Flynn is the first woman to become deputy administrator, and the first woman to advance through the Wage-Hour ranks to the elite Senior Executive Service, Smith said.





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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 88-147

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743  
HOME: (703) 920-9556

FOR RELEASE: 10:30 a.m. EST  
Friday, March 25, 1988

## NEW RULES PROPOSED BY LABOR DEPARTMENT LIFTING BAN ON HOMEWORK

The Department of Labor today announced that it is proposing new regulations lifting the current regulatory ban on working at home in the following industries: gloves and mittens; embroideries; buttons and buckles; handkerchiefs; and, jewelry production not involving hazardous substances or processes. The ban will remain in the women's apparel industry and jewelry industries involving hazardous substances or processes.

In commenting on the department's proposal, Secretary McLaughlin said, "The proposal represents a common sense approach to maximizing flexibility and economic freedom for workers in a way that ensures worker protection in a home environment."

The proposed regulations will respond to various requests by homeworkers in certain industries who need or want the flexibility to work at home.

The regulations would add teeth to enforcement capabilities to ensure that workers are protected in industries where work at home is currently prohibited. The following requirements would be added:

- . Department of Labor certification of homework employers and employer identification of homework employees.
- . Revised recordkeeping requirements to facilitate recording of hours worked.
- . Requirements for establishing piece rates so that minimum wage standards can be assured.
- . New, strong enforcement remedies for Fair Labor Standards Act (FLSA) violations including:
  - . Civil money penalties.
  - . Revocation of homeworker certification.
  - . Posting of bond by employers with questionable compliance records.

These proposed regulations are scheduled to be published in the Federal Register early next week. There will be a 30-day period for public comment.

Comments may be submitted to Paula V. Smith, Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

L1.79: 88-147 (item 771-f)

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 88-154

CONTACT: LINDA TAVLIN  
OFFICE: (202) 5238743

FOR RELEASE: Immediate  
Wednesday, March 30, 1988

## LABOR DEPARTMENT EMPHASIZES AFFIRMATIVE ACTION FOR HIGH-LEVEL CORPORATE POSITIONS

The U.S. Department of Labor announced today it will soon publish a directive to encourage government contractors to increase their efforts in placing women and minorities in high-level corporate positions.

Corporations with numerous establishments will be required to list in their corporate headquarters affirmative action program (AAP) all positions filled by decision-makers at that level. This is in contrast to the previous practice of listing such positions only in individual establishment AAPs.

The new step "addresses the way corporate America does business," said Fred W. Alvarez, assistant secretary of labor for employment standards. "While most corporations have made strides in recruiting for entry and mid-level positions," Alvarez said, the Labor Department's policy change "will significantly alter the way corporations track managers for affirmative action purposes."

Jerry D. Blakemore, director of the Office of Federal Contract Compliance Programs (OFCCP), which administers the affirmative action requirement for all federal contractors, said, "the new policy will not necessarily increase corporate paperwork. However, when choosing contractors for reviews, OFCCP will emphasize the selection of large corporate headquarters which have numerous establishments." Blakemore added that more field enforcement staff will be assigned to conduct multi-level corporate reviews.

"We must ensure that gains made in the entry of women and minorities in employment are accompanied by their increasing representation at every step up the corporate ladder," Blakemore said.

Most companies doing business with the federal government must have affirmative action plans to ensure that minority group members, women, disabled and Vietnam Era veterans and individuals with handicaps are not discriminated against in employment.

OFCCP is part of the Labor Department's Employment Standards Administration, headed by Alvarez. It enforces Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973 and the Vietnam Era Veterans Act of 1974. Since most large corporations have contracts with the federal government, they must adhere to these laws and regulations. To conform with the new policy, corporations will be required to amend their affirmative action programs as they expire.





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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 88-195

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Monday, April 18, 1988

## JOHN R. FRASER NAMED CAREER DEPUTY ASSISTANT SECRETARY OF LABOR DEPARTMENT'S EMPLOYMENT STANDARDS ADMINISTRATION

John R. Fraser, a 12-year veteran of the U.S. Department of Labor, has been appointed deputy assistant secretary of the department's Employment Standards Administration (ESA).

In making the announcement, Assistant Secretary of Labor for Employment Standards Fred W. Alvarez said, "John brings together in this position a proven commitment to ESA's law enforcement and public service delivery responsibilities, an impressive record of accomplishment in far-reaching areas of responsibility, and an uncommon level of talent and energy. Each of these traits will benefit ESA. To have them in combination in one person gives him a unique ability to contribute in this important leadership role."

In his new capacity, Fraser will work closely with the assistant secretary in directing the activities of ESA. He assumes one of two deputy assistant secretary positions in ESA, having overall responsibility for ESA's operations and for internal management and administration of the agency; the other career deputy focuses primarily on policy development issues.

ESA, with over 4,000 employees nationwide, is the largest agency in the Labor Department. Its programs include the Wage and Hour Division, the Office of Federal Contract Compliance Programs, and the Office of Workers' Compensation Programs (OWCP).

Fraser began his career with the Labor Department in 1976 in OWCP. He later served as a special assistant to the associate director for federal employees' compensation and the director of OWCP. In 1985, Fraser became deputy director of ESA's Office of Management, Administration and Planning and served as acting director in 1987. Prior to his appointment, Fraser served as acting deputy assistant secretary for ESA since October 1987.



Fraser has received many performance awards during his tenure at Labor, including Departmental Distinguished Achievement awards in 1985 and 1987, and a Departmental Meritorious Achievement award in 1988.

Fraser, a native of Syracuse, NY., received a B.A. from McGill University, in Montreal, Quebec, Canada in 1970. He resides in Alexandria, Va. with his wife Susan Forster. He is the son of Robert H. Fraser, who resides in Syracuse.

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 88-196

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Monday, April 18, 1988

## WAGE-HOUR DIVISION FINDS \$126 MILLION DUE TO WORKERS FOR OVERTIME VIOLATIONS IN FISCAL YEAR 1987

Assistant Secretary of Labor for Employment Standards Fred W. Alvarez announced that \$126 million was found due to nearly 448,000 employees for violations of the Fair Labor Standards Act (FLSA) in fiscal year 1987.

The Wage and Hour Division of the Labor Department's Employment Standards Administration (ESA) enforces FLSA, which includes federal minimum wage and overtime requirements.

"These findings of violations affecting the workforce are the result of ESA's overall strategy of strict enforcement of the law," Alvarez stated.

The FLSA enforcement program disclosed 155,000 workers were due \$28.5 million as a result of minimum wage violations, and 329,000 employees were underpaid \$98.0 million as a result of overtime violations. Of these, employers agreed to pay \$20.2 million in unpaid minimum wages to 136,000 workers and \$79.5 million to 293,000 workers due overtime pay, totalling \$99.7 million. The difference reflects cases in litigation or those brought by individuals in private suits to collect back wages.

Of the 72,028 compliance actions conducted under FLSA, 55,203 resulted from complaints from workers or concerned citizens. Over 20,000 investigations came under the Special Targeted Enforcement Program (STEP), which concentrates on geographic areas and industries where immigrants may be exploited.

A dramatic increase in the findings of minors employed in violation of child labor provisions of the FLSA was recorded. Over 19,000 minors were found to be employed illegally, up from 12,662 the preceding year. The surge in child labor violations was due largely to findings against a large super-market chain in the northeast which did not observe hours and hazardous occupation regulations. The Wage-Hour Division assessed \$1.5 million in civil money penalties against 811 employers who were illegally employing 10,160 minors. Child labor laws restrict the hours of work and occupations for minors.

The division also assessed \$873,430 in civil money penalties under the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) in 4,880 compliance actions. The penalties were imposed on employers for such MSPA violations as health and safety standards.

Under standards affecting employees performing government contract work, 4,749 investigations were conducted under the Davis-Bacon Act, the Service Contract Act and the Walsh-Healey Public Contracts Act. Over 50,000 workers were found due \$35.7 million in back wages, of which employers agreed to pay \$28 million to 44,300 workers. After hearings or litigation additional monies were to be restored.

The division has planned to carry out 72,800 FLSA compliance actions in fiscal year 1988.

Wage and Hour Administrator Paula V. Smith indicated that the division seeks first to promote voluntary compliance by employers through its public information programs. "However, where voluntary compliance cannot be achieved, the division is committed to effective enforcement of the laws it administers," Smith stated.

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 88-216

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate, Tuesday  
April 26, 1988

## LABOR DEPARTMENT EXTENDS PUBLIC COMMENT PERIOD ON PROPOSED INDUSTRIAL HOMEWORK REGULATIONS

The Department of Labor is extending to May 13 the public comment period on its proposed regulations modifying employment restrictions for homeworkers in five industries. Formal notice of the extension will be published in the Federal Register this week.

The proposed regulations were published in the Federal Register on March 30 and provided for a 30-day comment period ending April 29. The Department's decision to accept comments through May 13 reflects the extensive public interest in homeworker employment.

The proposed regulations would lift the current regulatory ban on working at home in the following industries: gloves and mittens; embroideries; buttons and buckles; handkerchiefs; and, jewelry production not involving hazardous substances or processes. The ban will remain in the women's apparel industry and jewelry industries involving hazardous substances or processes.

The regulations would add teeth to enforcement capabilities to ensure that workers are protected in industries where work at home is currently prohibited. The following requirements would be added:

- . Department of Labor certification of homework employers and employer identification of homework employees.
- . Revised recordkeeping requirements to facilitate recording of hours worked.
- . Requirements for establishing piece rates so that minimum wage standards can be assured.
- . New, strong enforcement remedies for Fair Labor Standards Act (FLSA) violations including:
  - . Civil money penalties.

- . Revocation of homeworker certification.
- . Posting of bond by employers with questionable compliance records.

Comments may be submitted to Paula V. Smith, Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 88-292

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Tuesday, June 14, 1988

## ANNIE A. BLACKWELL APPOINTED OFCCP DIRECTOR OF POLICY, PLANNING AND REVIEW

Annie A. Blackwell has been appointed division director of policy, planning and review of the Office of Federal Contract Compliance Programs (OFCCP) of the U.S. Department of Labor

In making the announcement, OFCCP Director Jerry Blakemore said, "Blackwell brings 14 years of outstanding contributions in both the private and public sector in the areas of affirmative action and equal employment opportunity. Her impressive record of accomplishment will be an asset to OFCCP."

In her new capacity, Blackwell will lead the program establishing OFCCP's enforcement policies and regulations.

Prior to being named to this position, Blackwell served as assistant regional administrator for two years in the regional office in Boston. In 1979, she was head of OFCCP's area office in Pittsburgh, PA. Blackwell was acting regional liaison for OFCCP from 1977 to 1978 in Washington, D.C. and in 1975, was deputy to the associate director for OFCCP when she started working for the department in Washington.

A native of Chester, Pa., Blackwell worked as an affirmative action coordinator in 1964 for General Dynamics Corp. in Connecticut and California. In 1970, she was an equal employment opportunity specialist with the Department of Defense in Los Angeles. During her tenure there, she taught equal employment opportunity courses at Mount San Antonio and Cerritos Community Colleges.

Throughout Blackwell's career she has maintained an active role in labor, minority and women's issues. In 1974, she served as national federal women's program coordinator for the General Services Administration in Washington, D.C. and in 1975, served on the White House Task Force for Women and Business representing the department. She was a member of the board of directors of the National Conference of Christians and Jews in Pittsburgh, Pa. and is affiliated with Zonta International and Links', Inc. Also in Pittsburgh, Blackwell worked with the late Mayor Richard S. Caliguiri on a task force for women and on the Federal Executive Board, Policy Committee. She recently served on the board of directors of the Literacy Volunteers of Massachusetts.



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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 88-324

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Tuesday, July 5, 1988

## ROBERT B. GREAX NAMED OFCCP PROGRAM OPERATIONS DIRECTOR

Robert B. Greaux has been appointed director of the Division of Program Operations for the Office of Federal Contract Compliance Programs (OFCCP). The announcement was made by OFCCP Director Jerry D. Blakemore today.

"Bob brings long experience in equal opportunity from the field to the national office in this appointment," Blakemore said. "He will be responsible for ensuring consistency in implementation of the policies of OFCCP across the country."

The Division of Program Operations implements the compliance regulations carried out by some 600 professional equal opportunity specialists in reviewing federal contractors for nondiscrimination and affirmative action.

Greaux, a native of New York City, served as acting division director from March to November 1987. Before and after that assignment he was OFCCP's Assistant Regional Administrator for Region III, based in Philadelphia.

Before his Region III post, Greaux was director of OFCCP's area office in Newark, N.J. and its field office in Albany, N.Y. Prior to OFCCP consolidation in 1978, he served for six years with the Department of Defense, and earlier in the private sector in the training and development field.

While he was in Newark he was named the Outstanding Young Man of America by the local Chamber of Commerce. He is also co-author of "Alpha: A Case Study In Upgrading," concerning inner city training and upward mobility for minorities in industry and trades.

Greaux earned a B.A. degree in psychology and a master's in labor relations at Rutgers University. He has received several merit and achievement awards during his government service and recently received advanced training at the Federal Executive Institute. He is a member of the American Society of Public Administrators.

Greaux is married and has a daughter and a son.

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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 88-447

CONTACT: LINDA TAVLIN  
OFFICE: (202) 523-8743

FOR RELEASE: Immediate  
Thursday, September 8, 1988

AFFIRMATIVE ACTION LIAISON GROUPS TO CONFER IN BOSTON SEPTEMBER  
28-30

Secretary of Labor Ann McLaughlin will tell representatives of companies that do business with the federal government how to meet their affirmative action requirements in a changing workforce at a national conference in Boston Sept. 28-30.

Secretary McLaughlin and Assistant Labor Secretary Fred W. Alvarez will be among speakers at the sixth annual Industry Liaison Group (ILG) to be held at Boston's Park Plaza Hotel.

Alvarez heads the Labor Department's Office of Federal Contract Compliance Programs (OFCCP), which administers affirmative action regulations affecting federal contractors.

Other speakers include Harold Russell, chairman of the President's committee for employment of persons with disabilities, and Donald Shasteen, assistant secretary for veterans' employment and training service.

The conference theme, "Valuing and Managing Diversity - Workforce 2000," will be carried out in a variety of workshops dealing with the changing workforce, upward mobility, and creative affirmative action strategies.

OFCCP was instrumental in forming liaison groups in 1982 as a means for the government contractor community and other interest groups to meet on a regular basis with Labor Department officials to discuss policies and practices which affect the affirmative action and nondiscrimination programs mandated by Executive Order 11246 and related acts. The program has grown to include 147 liaison groups now engaged in the information network.

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## EMPLOYMENT STANDARDS ADMINISTRATION

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OFFICE: (202) 523-8743

USDL: 88-488  
EMBARGOED UNTIL 12 NOON (EST)  
Friday, Sept. 30, 1988

### "OPPORTUNITY 2000:" AN EMPLOYER'S GUIDE FOR INVESTING IN AN EMERGING WORKFORCE

A study on the evolution of the American workforce and successful strategies for human capital investment has been issued by the U. S. Labor Department's Employment Standards Administration.

Called "Opportunity 2000: Creative Affirmative Action Strategies for a Changing Workforce," the study provides examples of innovative programs developed by American businesses to recruit, develop and promote the diverse group of new employees moving into American workforce by the end of the century.

"The nature of the workplace and the composition of the workforce are changing and changing rapidly," Secretary of Labor Ann McLaughlin said. "It is in the best interest of business, labor and all levels of government to respond now to the new demographic destiny that the 21st Century represents.

"The demographic changes that are evidenced by this and other reports provide great opportunity for business and for those who traditionally have not been part of the American Mainstream."

Secretary McLaughlin added:

"Affirmative action is no longer just a matter of social responsibility. It's not just a matter of legal compulsion. It's an economic necessity. Those who know how to tap new labor pools, how to recruit, how to retain, how to motivate and how to promote are the women and men of the hour."

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"Opportunity 2000" builds on the findings of "Workforce 2000" which was released in 1987 and which detailed shifts in the labor force during the next 12 years. Possibly the most striking change is the predicted make-up of new entrants to the workforce. By the year 2000, it is estimated that 85 percent of the new entrants will be minorities, immigrants and women. There will also be an increase in the number of jobs requiring higher levels of skills and training, even for beginning positions.

"Employers must design their human resource efforts to respond to these challenges," Assistant Secretary Fred W. Alvarez stated. "If they do so in a way which assures both equal employment opportunity and full human resource utilization, they will also meet their needs to remain competitive in a changing environment."

The study profiles strategies some American firms are using to moderate the conflict between work and family. It also provides strategies for recruiting, developing and retaining minorities and the economically disadvantaged, disabled workers, older workers and veterans.

"This book is about opportunity and how some people capture it," says Alvarez. "It is also about risk and how some people minimize it. It is about expanding the potential of human resources and about getting and staying ahead of the curve."

Written by The Hudson Institute, "Opportunity 2000" is available by calling the Employment Standards Administration's Office of Federal Contract Compliance Programs in one of the following cities: Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, San Francisco and Seattle.

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# News

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 88-571

CONTACT: LINDA TAVLIN  
PHONE: (202) 523-8743

FOR RELEASE: Immediate  
Tuesday, Nov. 15, 1988

## LABOR DEPARTMENT RECOGNIZES EXEMPLARY EMPLOYERS

Secretary of Labor Ann McLaughlin today presented the International Business Machines Corp. with the "Secretary's Opportunity 2000 Award." Citing major changes in the nation's workforce and the need for creative and innovative strategies by employers, the Secretary made the presentation in "recognition of IBM's comprehensive approach in addressing the workforce challenges of today and tomorrow."

"The goal of our Opportunity 2000 effort is to show how affirmative action and affirmative action strategies can help employers meet these challenges," Secretary McLaughlin said.

The award recognizes a broad range of IBM workforce and workplace strategies including literacy and dependent care programs, training and support programs for veterans and disabled persons, loaned executives, support of minority and women enterprises, flexible work and family personnel policies and support for substance abuse education and AIDS research.

During remarks at the ceremony, McLaughlin noted, "The next decade poses simultaneous workplace problems and opportunities caused by labor shortages, an aging workforce, the continued flow of women into the workforce and increasing difficulty in assuring that available workers have the skills necessary to handle the new jobs of the future.

"The combination of all these concerns convinced me last year that the nation needs to address them with our very best minds."

In commenting on the department's overall effort to prepare the country's working people for the year 2000, the Secretary added, "On that basis we assembled a blue ribbon Commission to address Workforce Quality and Labor Market Efficiency. I am confident the Commission will produce very significant public policy recommendations when its work is completed on Labor Day 1989."

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At the Nov. 15 awards ceremony, Assistant Secretary for Employment Standards Fred W. Alvarez also presented the Exemplary Voluntary Efforts (EVE) awards.

The EVE Awards, initiated by the Labor Department's Office of Federal Contract Compliance Programs (OFCCP) in 1983, require that nominees exhibit initiatives of outreach and recruitment designed to increase opportunities for minorities, women, individuals with disabilities and Vietnam-era or disabled veterans.

The seven recipients of the 1988 EVE Awards are:

Allied-Signal, Inc., Morristown, N.J.  
Duke Power Co., Charlotte, N.C.  
EG & G Idaho, Inc., Idaho Falls, Idaho  
McDonnell-Douglas Corp., St. Louis, Mo.  
Public Service Co. of Colorado, Denver, Colo.  
Quaker Oats, Inc., Denver, Colo.  
Syntex, Inc., Humacao, Puerto Rico

The OFCCP enforces federal requirements that federal contractors take affirmative action to ensure equal employment opportunity for all employees without regard to their race, color, religion, sex, national origin, disability or status as a Vietnam-era or disabled veteran.

OFCCP is an agency within the Employment Standards Administration.

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 88-575

CONTACT: LINDA TAVLIN  
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FOR RELEASE: Immediate  
Thursday, Nov. 17, 1988

## DOL ISSUES REGULATIONS ESTABLISHING REPORTING AND EMPLOYMENT REQUIREMENTS FOR EMPLOYERS OF SPECIAL AGRICULTURAL WORKERS

Final regulations establishing mandatory reporting and employment requirements for employers of special agricultural workers (SAWs) have been issued by the U.S. Department of Labor, Employment Standards Administration (ESA), Wage and Hour Division. The regulations were effective on Oct. 1, 1988.

The regulations implement certain provisions of the Immigration Reform and Control Act (IRCA) of 1986 relating to the legalization and employment of special agricultural workers. They were developed in cooperation with the U.S. Department of Agriculture, the Immigration and Naturalization Service, and the Bureau of the Census.

The rules apply to employers of any workers who were (1) granted legal resident status under IRCA, and (2) who work after Oct. 1, 1988, in seasonal agricultural services (SAS) planting, cultivating, or harvesting fruits, vegetables, or other perishable commodities.

Employers of such workers must keep records (starting Oct. 1, 1988) and report to the federal government on a quarterly basis (starting in January 1989), the SAS crops worked, the number of workdays, and other data for each such worker. This information will allow the government to determine any need for admission to the United States of additional or "replenishment" agricultural workers (RAWs) starting in October 1989.

The regulations also require that employers of any RAWs admitted to the United States must provide each RAW engaged in seasonal agricultural services with specified employment information each payday, and also afford these individuals certain labor standards protections.

ESA, which administers the Fair Labor Standards Act (FLSA), the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), and which enforces the labor standards provisions of IRCA's H-2A program, will enforce the new regulations to assure accurate recordkeeping, reporting and compliance with established employment standards. Enforcement will be through field investigations made in conjunction with FLSA and MSPA investigations in agriculture.

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 88-607

CONTACT: LINDA TAVLIN  
PHONE: (202) 523-8743

FOR RELEASE: Immediate  
Monday, Dec. 5, 1988

## CORLIS L. SELLERS NAMED DIRECTOR OF THE DIVISION OF FARM AND CHILD LABOR PROGRAMS

Corlis Lasley Sellers has been appointed director of the Division of Farm and Child Labor Programs of the U.S. Department of Labor, Washington, D.C.

In announcing the appointment, Paula V. Smith, administrator of the Wage and Hour Division, said, "Sellers brings to this position 12 years of experience within the department. Her long record of accomplishments and knowledge of federal laws, combined with her administrative background, will be an asset to the division."

In her new capacity, Sellers will direct the enforcement of child labor laws, and the initiatives and standards under the Migrant and Seasonal Agricultural Worker Protection Act.

With this appointment, Sellers becomes the highest ranking career black female in the Wage and Hour Division. She is the first black and female to hold this position.

Prior to her appointment, Sellers served as chief of the Branch of Special Employment in the Wage and Hour Division. Before joining the Department of Labor in 1976, Sellers received a B.S. degree from Hampton Institute, Hampton, Virginia in 1975.

Sellers and her husband, Dometrice, reside in Mitchellville, Md. with their two children.

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 89-68

CONTACT: LINDA TAVLIN  
PHONE: (202) 523-8743

FOR RELEASE: IMMEDIATE, WEDNESDAY  
February 15, 1989

## EL DEPARTAMENTO DE TRABAJO EMITE REGLAMENTOS ESTABLECIENDO REQUISITOS REFERENTES AL REPORTAJE Y EMPLEO DE TRABAJADORES ESPECIALES EN LA AGRICULTURA

El Departamento de Trabajo de los Estados Unidos, Administracion de Normas de Empleo, Division de Horas y Salarios, ha emitido reglamentos finales estableciendo requisitos referentes al reportaje y empleo de trabajadores especiales en la agricultura (SAWs). Estos reglamentos tomaran efecto el dia 1 de Octubre, 1988.

Los reglamentos ponen en practica ciertas provisiones del Immigration Reform and Control Act (IRCA) de 1986 relacionadas a la legalizacion y empleo de trabajadores especiales en la agricultura. Se desarrollaron en cooperacion con el Departamento de Agricultura de los Estados Unidos, el Servicio de Imigracion y Naturalizacion y el Departamento del Censo.

Las reglas aplican a patrones de trabajadores que (1) se les otorgo residencia legal bajo IRCA y (2) trabajaron despues del dia 1 de Octubre, 1988, en servicios temporales en la agricultura (SAS), sembrando, cultivando o cosechando frutas, verduras y otros productos de caracter perecedero.

Patrones de este tipo de trabajadores deben de mantener registros (empesando el dia 1 de Octubre, 1988) y reportar al gobierno federal trimestralmente (empesando en Enero, 1989), los productos de SAS trabajados, el numero de dias trabajados y otra informacion por cada trabajador. Esta informacion permitira que el gobierno determine la necesidad de admitir trabajadores en la agricultura adicionales (RAWs) empesando en Octubre, 1989.

Los reglamentos tambien requieren que los patrones de estos trabajadores en la agricultura adicionales admitidos a los Estados Unidos les proevan a cada RAW trabajando en servicios especiales en la agricultura informacion precisa cada dia de pago y tambien proeverles ciertas protecciones.

ESA agencia que administra la Ley de Normas Justas de Trabajo (FLSA), la Ley de Proteccion de Trabajadores Migrantes y Temporales en la Agricultura, (MSPA), y impone las provisiones de el programa H2A bajo IRCA, impondra los reglamentos nuevos para asegurar que registros precisos se mantengan, y que reportajes y cumplimiento con normas de trabajo sean exactas. Ejecucion se llevara acabo por medio de investigaciones conducidas conjunto investigaciones bajo FLSA y MSPA en la agricultura.

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EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 89-89

CONTACT: LINDA TAVLIN  
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FOR RELEASE: Immediate  
Wednesday, February 22, 1989

DEADLINE FOR FILING "WORK-DAY REPORT" EXTENDED TO MARCH 1, 1989

The deadline for employers filing the first "Work-Day Report," Form ESA-92, for workers in seasonal agricultural services, has been extended to March 1, 1989 according to revised Department of Labor regulations published in the Federal Register today.

This extension applies only to reports which are required to be filed for the period Oct. 1 - Dec. 31, 1988. This one-time extension was made to allow employers more time to file the first employment reports required under this new program.

The original regulations were published in the Federal Register on Sept. 9, 1988 and became effective Oct. 1, 1988. The regulations implement certain provisions of the Immigration Reform and Control Act (IRCA) of 1986 relating to the legalization and employment of special agricultural workers. The rules apply to employers of any workers who were (1) granted legal resident status under IRCA, and (2) who worked after Oct. 1, 1988, in planting, cultivating, or harvesting fruits, vegetables, or other perishable commodities.

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Washington, D.C. 20210

EMPLOYMENT STANDARDS ADMINISTRATION

USDL: 89-606

CONTACT: JANET L. ELLIS

FOR RELEASE: Immediate  
Monday, Dec. 18, 1989

PHONE: (202) 523-8743

## **SECRETARY DOLE SAYS DISCRIMINATION IN THE WORKPLACE WILL NOT BE TOLERATED**

Secretary of Labor Elizabeth Dole, at an award ceremony honoring eight federal contractors for their demonstrated commitment to equal opportunity said today, "Affirmative action in employment is alive and working. It is the law of the land, and it's here to stay. Whether it be against minorities, women, the disabled, or veterans, discrimination in the workplace cannot and will not be tolerated."

Dole praised the award winners stating, "Today, we celebrate not only victories of businesses and of individuals, but also victories of mind, spirit and hope -- victories won because enlightened employers have opened their doors."

Pacific Gas and Electric Company (PG&E), the San Francisco-based utility, received the Opportunity 2000 Award from Assistant Secretary of Labor for Employment Standards William C. Brooks.

The award is given annually to an employer who anticipates and takes control of future workforce challenges while assuring equal opportunity and full human resource utilization.

According to Brooks, PG&E was honored for "conducting programs to increase the pool of minorities and women in the engineering labor market and increasing potential for advancement of women and minorities into executive level jobs."

The seven companies receiving the Exemplary Voluntary Effort (EVE) Awards, presented by the Director of the Office of Federal Contract Compliance (OFCCP) Cari M. Dominguez, are:

Barnett Banks, Inc. (Jacksonville, Fla.)  
Bell Communications Research (Livingston, N.J.)  
Dominion Bankshare Corp. (Roanoke, Va.)  
Procter and Gamble Co. (Cincinnati, Ohio)  
So. New England Telecommunications Corp. (New Haven, Conn.)  
Texas Instruments (Versailles, Ky. facility)  
Zandstra Construction, Inc. (Rapid City, S.D.)

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Director Dominguez saluted the award recipients for their "creativity, initiative and commitment." But most importantly, she said, "I salute you for your business savvy. Practicing equal employment opportunity and affirmative action just makes good business sense."

The EVE Awards were initiated in 1983 by the OFCCP to recognize outstanding organizations who advance the concept of affirmative action through innovative and original plans to increase job opportunities for minorities, women, individuals with disabilities and Vietnam-era and certain disabled veterans. OFCCP enforces executive orders and laws which prohibit discrimination and require affirmative action on federal contracts and sub-contracts.

#### Department of Labor Opportunity 2000 Award Winner

Pacific Gas and Electric Company, San Francisco, for creating comprehensive and innovative programs designed to meet the challenges of the work force of the year 2000. The programs are designed to increase the pool of minorities and women in the labor market and to continue to integrate the increasingly culturally and ethnically diverse work force.

#### EVE Award Winners

Barnett Banks, Inc., Jacksonville, Fla., for advancing employment opportunities for women with children by constructing a day care facility, providing economical day and elder care, as well as training for welfare mothers to become licensed day care providers. Charles E. Rice, chairman and CEO.

-Bell Communications Research, Livingston, N.J., for its commitment to promoting equal employment opportunities for minorities and women by stimulating student interest in sciences, offering financial support, and encouraging career fields that have traditionally underrepresented women and minorities. R.J. Marano, president.

-Southern New England Telecommunications Corp., New Haven, Conn., for its exemplary program in identifying, recruiting, hiring and counseling veterans, especially those of the Vietnam-era, and increasing community understanding and support by producing a film entitled, "Vietnam: A Chance to Understand." Walter Monteith Jr., chairman and CEO.

-Dominion Bankshares Corp., Roanoke, Va., for preserving employment opportunities for working mothers by establishing an on-site day care facility for pre-schoolers and infants, enabling mothers to obtain reliable and quality child care. Warner L. Dalhouse, chairman and CEO.

-Procter & Gamble Co., Cincinnati, for its comprehensive efforts to expand opportunities for women, minorities, veterans and individuals with disabilities through educational programs, scholarships, grants, community assistance, day care and youth summer employment programs to minority colleges. John Smale, chairman and CEO.

-Texas Instruments, Versailles, Ky. facility, for its extraordinary outreach to employ individuals with disabilities and make workplace adjustments to accommodate their needs, providing a variety of jobs throughout the facility's workforce. Jerry Junkins, chairman and CEO.

-Zandstra Construction, Inc., Rapid City, S.D., for promoting equal employment opportunities in the construction trades by recruiting minorities, especially Native Americans, which has had a positive effect on surrounding reservations and the community at large and providing a culturally diverse work force. Dennis Zandstra, president.

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